

NON-MILITARY AFFIDAVIT

J.A. CONNERT, Doing business as  
PETE'S GROCERY,  
Plaintiff

Vs.

CUYLAR F. VOLKING,  
Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

No. 4160

STATE OF ALABAMA,)  
COUNTY OF MOBILE.)

Personally appeared before me, A. R. Ulmer,  
a Notary Public in and for said County in said State, Kenneth E. Henderson,  
who, being known to me and being by me first duly sworn, doth depose and  
say that he is the attorney for the plaintiff in the above entitled and  
numbered cause pending in said Court; and that the respondent in said  
cause, Cuylar F. Volking is not in the naval or military or other armed  
forces of the United States of America or any of its' allies, because he  
is residing in Baldwin County, Alabama, and is engaged in civilian pursuits

Kenneth E. Henderson  
Kenneth E. Henderson, attorney for J.A.  
Connert, doing business as Pete's Grocery.

Subscribed and sworn to before me  
this 20th day of June, 1960.

A. R. Ulmer  
Notary Public, Mobile County, Alabama.

112

FILED

JUN 20 1960

CLERK  
REGISTER

COMPLAINT

J. A. CONNERT, doing business  
as PETE'S GROCERY,  
Plaintiff

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

Vs.

No. 416 D

CUYLAR F. VOLKING  
Defendant

COUNT ONE

The plaintiff claims of the defendant seventy-five  
(\$75.00) dollars, due from him by account on, to-wit, the 30th  
Day of July, 1957.

COUNT TWO

The plaintiff claims of the defendant seventy-five  
(\$75.00) dollars due from him for merchandise, goods and chattels  
sold by the plaintiff to the defendant <sup>on</sup> ~~between~~, to-wit, the 7th  
day of February, 1957, and the 2nd day of April, 1957.

Which sums of money, with the interest thereon, is  
still unpaid.

*Kenneth E. Henderson*  
KENNETH E. HENDERSON,  
Plaintiff's Attorney, 12 N. Jackson  
Phone H.E.2-5016 Street, Mobile, Ala.

Averified itemized statement of the account hereinabove  
sued on is attached hereto and made a part hereof.

*Kenneth E. Henderson*  
KENNETH E. HENDERSON,  
Plaintiff's Attorney, 12 N. Jackson Str  
Mobile, Ala.

Defendant's address is: Mr. Cuylar F. Volking  
c/o Hollis Leavins  
Fairhope, Baldwin County, Alabama

FILED  
FEB 1 1960  
ALICE J. DUCK, CLERK  
REGISTER

J. A. Connert, doing business as Pete's Grocery,  
Government Street & Arnold Roads, Mobile County,  
Alabama.

January 26, 1960

Mr. Cuylar F. Volking, due by him on this account for <sup>Auto tires,</sup> groceries,  
gasoline and sundries-----, sold and delivered  
to Cuylar F. Volking by J. A. Connert, doing business as Pete's  
Grocery, from, to-wit, the 7th day of February, 1957, to  
3rd day of April, 1957, to be paid on account at rate of \$1.00  
each day from and after February 7th, 1957.

\$75.00

Plus interest at  
6% per annum from,  
to-wit, the 2nd of  
April, 1957,  
to the 2nd day of  
Judgment hereon.....

Total amount due.... \$75.00 plus said  
interest and court costs  
on attached complaint

STATE OF ALABAMA,)

COUNTY OF MOBILE.)

Before me, Kenneth E. Henderson, a Notary Public in  
and for said County and State, personally appeared J. A. Connert,  
doing business as Pete's Grocery, who, being by me duly sworn,  
deposes and says, that he is sole proprietor of Pete's Grocery;  
that the foregoing annexed statement of the account of said  
firm against Cuylar F. Volking, of Baldwin County, Alabama, is  
just, true and correct; that there is now due on said account  
the sum of \$83.18, after deducting all credits, set-offs or  
counter-claims.

J. A. Connert  
J. A. Connert, Affiant

Sworn to and subscribed before me this 26th day of January,  
1960.

Kenneth E. Henderson  
KENNETH E. HENDERSON, Notary Public  
Mobile County, Alabama.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4160

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon CUYLAR F. VOLKING

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

CUYLAR F. VOLKING, Defendant

by J.A. CONNERT, Doing Business as PETE'S GROCERY,

Plaintiff

Witness my hand this 2nd day of February 1960

Henry J. Jack, Clerk

No. 4160

Page

The State of Alabama

Baldwin County

CIRCUIT COURT

J.A. CONNERT, d/b/a

PETE'S GROCERY

Plaintiffs

vs.

CUYLAR F. VOLKING

Defendants

Summons and Complaint

Filed February 2nd 1960

Alice J. Duck

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

2/3 1960

Sheriff

I have executed this summons

this 2-14-1960

by leaving a copy with

Cuylar F. Volking

Sheriff claims 20 miles at

Ten Cents per mile Total \$2.00

Taylor Wilkins, Sheriff

by

Edleigh Stradman

Sheriff

Edleigh Stradman Deputy Sheriff

MOTION FOR DEFAULT JUDGEMENT

J.A. CONNERT, doing business  
as PETE'S GROCERY,  
Plaintiff

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

Vs.

CUYLAR F. VOLKING,  
Defendant

At Law, No. 4160.

To The Honorable Hubert M. Hall, Judge of said Court:

Now comes, J.A. Connert, doing business as Pete's Grocery,  
the plaintiff in the above styled cause, pending in said Court,  
by and through his attorney of record therein, Mr. Kenneth E.  
Henderson, Attorney At Law, 12 N. Jackson Street, Mobile, Alabama,  
and represents unto the Court as follows:

That Cuylar F. Volking,

the defendant in said cause, was served by personal service-with  
summons and a copy of the complaint in said cause- on, to-wit,  
February 2nd, 1960; and that more than thirty days have elapsed  
since then; and that said defendant is in default for failure to  
date to file any appearance and plea, answer or demurrer to said  
complaint;

WHEREFORE, the plaintiff now moves the Honorable Court to  
render judgement by default against the defendant in favour of the  
on itemized verified statement of account  
plaintiff/for the amount sued for in the complaint, \$75.00

Less offset paid since suit was filed - - - - - \$20.00

Balance due on account - - - - - \$55.00

Plus interest at 6% per annum on balances due  
on said account - - - - - \$14.35

WHEREFORE, plaintiff prays for judgement for \$69.35, the balance  
due on said account, including said interest, plus the costs of Court.

J.A. Connert, Doing Business as Pete's  
Grocery, Plaintiff

BY: Kenneth E. Henderson  
Plaintiff's Attorney of Record,  
12 N. Jackson Street, Mobile, Alabama.

MOTION TO RE-INSTATE CAUSE

J.A. CONNERT, doing business  
as PETE'S GROCERY,  
Plaintiff

Vs.

CUYLAR F. VOLKING,  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW,  
CASE NO. 4160.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT:

Now comes J.A. Connert, the plaintiff in the above styled and numbered cause, and shows unto Your Honor as follows:

FIRST: That the above styled cause was dismissed out of said Court on the 15th day of November, 1960, by the Court of its' own motion, apparently for reason of failure of plaintiff to complete said cause to judgement.

SECOND: The said cause is still within the 30 day time limit during which the Court has plenary jurisdiction to re-instate said cause to the docket of the Court.

THIRD: The plaintiff still has not collected his debt due him by the defendant; but has tried to extend consideration and time to defendant during the pendency of said cause from February 2, 1960, to the time of the filing of this motion, during which time defendant has paid \$20.00 on said debt, but still owes a balance of \$69.35, including interest on said account.

WHEREFORE, the plaintiff respectfully petitions the Court to re-instate said cause to the docket of this Honorable Court; and to render a default judgement against the defendant for the said \$69.35 in favour of the plaintiff on the itemized verified statement of account on file in said cause pursuant to the prayer therefor contained in Motion For Default judgement filed separately herewith by the plaintiff.

Kenneth E. Henderson  
Kenneth E. Henderson, Attorney for the  
Plaintiff,  
12 N. Jackson Street, Mobile, Alabama.

FILED

DEC 12 1960

ALICE J. DUCK, CLERK  
REGISTER

LAW OFFICE  
K. E. HENDERSON  
12 N. JACKSON ST. PHONE HE 2-5916  
MOBILE, ALABAMA

December 10, 1960.

Honorable Alice J. Duck,  
Clerk of Circuit Court of Baldwin County, Ala.,  
Bay Minette, Ala.

Re: J.A. Connert, doing business as Pete's Grocery  
Plaintiff

Vs. Case No. 4160.

Cuylar F. Volking,  
Defendant

Dear Madam:

Enclosed herewith are the following papers I wished filed  
in this case:

1. Motion to re-instate cause.
2. Non-Military Affidavit.
3. Motion for default judgement on itemized verified statement  
of account sued on.

Please see if the Judge will re-instate the case, and render  
default judgement, before the 15th of December, 1960; because it will  
be too late after that, as there is a 30 day period during which judge-  
ments "lie in the breast of the Court", as it has been written.

I am sorry I could not conclude the case earlier. Defendant  
paid a little on the bill, and wrote me excuse that his baby had been  
sick.

I don't believe the Court needs any evidence other than the  
itemized verified statement of the account sued on, which was filed  
with the complaint. Can you send me a carbon copy of the judgement  
when it is rendered?

Respectfully yours,

Kenneth E. Henderson  
Kenneth E. Henderson, Attorney  
At Law, 12 N. Jackson Street,  
Mobile, Alabama.



MOTION FOR DEFAULT JUDGEMENT

J.A. CONNERT, doing business  
as PETE'S GROCERY,  
Plaintiff

Vs.

CUYLAR F. VOLKING,  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

At Law, No. 4160.

To The Honorable Hubert M. Hall, Judge of said Court:

Now comes, J.A. Connert, doing business as Pete's Grocery,  
the plaintiff in the above styled cause, pending in said Court,  
by and through his attorney of record therein, Mr. Kenneth E.  
Henderson, Attorney At Law, 12 N. Jackson Street, Mobile, Alabama,  
and represents unto the Court as follows:

That Cuylar F. Volking,  
the defendant in said cause, was served by personal service-with  
summons and a copy of the complaint in said cause- on, to-wit,  
February 2nd, 1960; and that more than thirty days have elapsed  
since then; and that said defendant is in default for failure to  
date to file any appearance and plea, answer or demurrer to said  
complaint;

WHEREFORE, the plaintiff now moves the Honorable Court to  
render judgement by default against the defendant in favour of the  
on itemized verified statement of account  
plaintiff/for the amount sued for in the complaint, \$75.00

Less offset paid since suit was filed - - - - - \$20.00

Balance due on account - - - - - \$55.00

Plus interest at 6% per annum on balances due  
on said account - - - - - \$14.35

WHEREFORE, plaintiff prays for judgement for \$69.35, the balance  
due on said account, including said interest, plus the costs of Court.

J.A. Connert, Doing Business as Pete's  
Grocery, Plaintiff

BY: Kenneth E. Henderson  
Plaintiff's Attorney of Record,  
12 N. Jackson Street, Mobile, Alabama.

FILED

DEC 12-60

ALICE L. DUCK, CLERK  
REGISTER

Vs.

**MOTION FOR DEFAULT JUDGEMENT**

MOTION TO RE-INSTATE CAUSE

J.A. CONNERT, doing business  
as PETE'S GROCERY,  
Plaintiff

Vs.

CUYLAR F. VOLKING,  
Defendant

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW,  
CASE NO. 4160.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT:

Now comes J.A. Connert, the plaintiff in the above styled and numbered cause, and shows unto Your Honor as follows:

FIRST: That the above styled cause was dismissed out of said Court on the 15th day of November, 1960, by the Court of its' own motion, apparently for reason of failure of plaintiff to complete said cause to judgement.

SECOND: The said cause is still within the 30 day time limit during which the Court has plenary jurisdiction to re-instate said cause to the docket of the Court.

THIRD: The plaintiff still has not collected his debt due him by the defendant; but has tried to extend consideration and time to defendant during the pendency of said cause from February 2, 1960, to the time of the filing of this motion, during which time defendant has paid \$20.00 on said debt, but still owes a balance of \$69.35, including interest on said account.

WHEREFORE, the plaintiff respectfully petitions the Court to re-instate said cause to the docket of this Honorable Court; and to render a default judgement against the defendant for the said \$69.35 in favour of the plaintiff on the itemized verified statement of account on file in said cause pursuant to the prayer therefor contained in Motion For Default judgement filed separately herewith by the plaintiff.

FILED

DEC 12 1960

ALICE J. DUCK, CLERK  
REGISTER

Kenneth E. Henderson  
Kenneth E. Henderson, Attorney for the  
Plaintiff,  
12 N. Jackson Street, Mobile, Alabama.

Book 27-

112-A

NON-MILITARY AFFIDAVIT

J.A. CONNERT, doing business  
as PETE'S GROCERY,

Plaintiff

Vs.

CUYLAR F. VOLKING,

Defendant

I

IN THE CIRCUIT COURT OF

I

BALDWIN COUNTY, ALABAMA,

I

AT LAW,

I

CASE NO. 4160

STATE OF ALABAMA,)  
COUNTY OF MOBILE.)

Personally appeared before me, A.L. Ulmer, a Notary Public in and for said County in said State, Kenneth E. Henderson, who being known to me and being by me first duly sworn, doth depose and say on oath that he is the Attorney of Record in the above styled and numbered cause for J.A. Connert, doing business as Pete's Grocery, the plaintiff therein; and as such attorney affiant further deposes and says on oath that the respondent in said cause, said Cuylar F. Volking, is not in the naval or military or other armed forces of the United States<sup>of America</sup>/or any of its' allies, because said respondent is residing and working around Fairhope in Baldwin County, Alabama, according to affiant's best knowledge, information and belief, and said respondent was personally served in this cause in said County.

Kenneth E. Henderson

Kenneth E. Henderson, Attorney For Plaintiff

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

A.L. Ulmer

Notary Public, Mobile County, Alabama.