

W. L. OGDEN, PLAINTIFF,

VS

ADAM FRISHKORN, C. PETEET,  
AND CHARLES C. STYRON,  
DEFENDANTS.

IN CIRCUIT COURT OF  
BALDWIN COUNTY, ALA.

L A W S I D E .

Plaintiff claims of the defendants the sum of \$550.00 damages for the breach of the condition of an attachment bond made by the defendants on the 21st day of October, 1915, payable to the plaintiff in the sum of \$532.72, and which bond was filed with the clerk of this Honorable Court and in this Honorable Court, and which said bond contained the condition that if the said Adam Frishkorn shall prosecute said attachment to effect, and to pay to the said W. L. Ogden all such damages as he may sustain by the wrongful or vexatious suing out thereof, then the above obligation to be void, otherwise to remain in full force and effect; and plaintiff alleges that the said condition of the said bond was broken in that the said Adam Frishkorn failed to prosecute said attachment to effect and to pay to the plaintiff such damages he sustained by the wrongul or vexatious suing out of said attachment, all to the damage of the plaintiff as above stated.

Chas. Hacc  
and  
Gordon Edington  
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the above said cause.

Chas. Hacc  
and  
Gordon Edington  
ATTORNEYS FOR PLAINTIFF.

The State of Alabama  
Baldwin County

No. ....

Circuit Court

*Spring* Term, 191*8*

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

*Adam Frisk Korn*  
*by Petek and Charles C.*  
*Styron*

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Cir-  
cuit Court of Baldwin County, State of Alabama, at Bay Minette, against *them*

the Defendants by *W. L. Ogden* Plaintiff

Witness my hand this *19<sup>th</sup>* day of *April* 191*8*  
*T. W. Rimmer* Clerk.

## Complaint

Plaintiff Versus

The plaintiff claims of the defendant

Dollars due by

Plaintiff's Attorney.

RECORDED

No. ....

State of Alabama  
Baldwin County

CIRCUIT COURT

*W L Adger*

vs. Plaintiffs

*Adam Frishkorn*

*et al*

Defendants

Summons and Complaint

Filed *Apr 19<sup>th</sup>* 191*8*

*T W Richmond* Clerk.

Defendant lives at

*Alma Hall*

*Gordon O Edgington*

Plaintiff's Attorney

Defendant's Attorney

Times Print—Bay Minette.

Received in office

*April 20* 191*8*  
*O E Eubanks* Sheriff

I have executed this Writ

this *May 7* 191*8*  
by leaving a copy of the within summons and com-  
plaint with

*Adam Frishkorn*  
*Clara Petet*

*Charles Styrump*  
*returned not*  
*found out of the*  
*State*

*O E Eubanks* Sheriff.

Deputy Sheriff.

W. L. Ogden, Plaintiff,

vs.

Adam Frishkorn, C. Peteet,

and Chas. C. Styron, Defendants.)

In Circuit Court of Baldwin County.

Law Side.

Now comes, Adam Frishkorn, C. Peteet and Chas. C. Styron, defendants in the above entitled cause and sets down and assigns the following grounds of - demurrer to the complaint in said cause, towit:

1. ~~said complaint does not set out a cause of action.~~
2. Said complaint fails to state what damages if any he suffered by the failure of the defendant Adam Friskorn to prosecute his cause and suit to effect, if he did so fail so to do as alledged in the complaint in this cause and fails to alledge with sufficient certainty or particularity said damages.
3. Said complaint purports to sue on certain conditions of a bond for attachment and fails to set out the conditions of said bond alledged to have been broken and fails to set out in hec verba any part of said bond, sued on in this cause of action and fails to alledge with sufficient certain or particularity how or when said condition of said bond was broken.
4. said complaint alleges that the said Adam Frishkorn failed to prosecute his said suit of attachment for which said bond was given in this honorable court, but fails to say wherein and how the said Adam Friskorn did so - fail to prosecute his said suit of attachment under said bond referred in t complaint in this cause of action and said cause of action is not set forth with reasonable certainty or particularity.
5. said complaint purports to claim certain damages, towit in amount of \$532.7

by reason of the said Adam Frishkorn's suing out a wrongful and vexatious attachment against the said Ogden in said Circuit court and fails to state wherein said suing out of said attachment was vexatious and wrongful and fails to alledge the same with sufficient certainty or particularity.

Wherefore for want of a sufficient declaration in this behalf defendants prays judgment and that the plaintiff may be barred from having and maintainin his aforesaid action them etc.

*J. G. Jenkins*

*Attorney for Defendants*