

SUMMONS

4685

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon EDMUND R. CIMINO, doing business as SMART SHOP, 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 JACK SQUIRE, INC., a New York corporation.

Witness my hand this the 18th day of April, 1961.

Alice J. Duck
Clerk

* * * * *

COMPLAINT

JACK SQUIRE, INC., a)	
New York corporation,)	
PLAINTIFF)	IN THE CIRCUIT COURT OF
)	
VS:)	BALDWIN COUNTY, ALABAMA
)	
EDMUND R. CIMINO, d/b/a)	AT LAW
SMART SHOP,)	
DEFENDANT)	

COUNT I:

The plaintiff claims of the defendant SEVEN HUNDRED TWO & 62/100 DOLLARS (\$702.62), due from by account on, to wit: the 31st day of August, 1960, which sum of money, with interest thereon, is still unpaid.

COUNT II:

The plaintiff claims of the defendant SEVEN HUNDRED TWO & 62/100 DOLLARS (\$702.62), due from him on account stated between the plaintiff and the defendant on, to wit: the 31st day of August, 1960, which sum of money, with interest thereon, is still unpaid.

COUNT III:

The plaintiff claims of the defendant SEVEN HUNDRED TWO & 62/100 DOLLARS (\$702.62), due from him for merchandise, goods and chattels sold by the plaintiff to the defendant on, to wit: the 31st day of August, 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 10th day of April, 1961.

James H. Hark
Attorney for plaintiff

The defendant's address is:
Bay Minette, Alabama

FILED

APR 19 1961

ALICE J. DUCK, CLERK
REGISTER

STATEMENT



Polly Bergen's

FASHIONS OF THE FOUR SEASONS


by JACK SQUIRE

MISSSES' AND WOMEN'S DRESSES
2109 BORDEN AVENUE, LONG ISLAND CITY 1, N. Y.

4/7/61

*The Smart Shop
Bay Minette
Ala.*

DATE	INVOICE NO.	CHARGES	CREDITS	CREDITS CASH	BALANCE
<u>1960</u>					
6/3	61674	290.50			
30	10544	86.72			
7/20	11512	59.08			
27	12260	26.57			
8/5	15519	66.35			
18	16071	28.45			
25	17006	56.25			
9/14	13022	28.45			
8/31	17606	60.25			
					702.62


YOUR BALANCE
IS LAST AMOUNT
IN THIS COLUMN

COUNTY OF

STATE OF

SG-168 (13743)

Be it remembered, that on this 10 day of April
A. D., 1961, personally appeared before me, the undersigned authority,
Jack Squire known to me
who being duly sworn, upon his oath stated that he is President
of Jack Squire Inc
{ a corporation organized and doing business under the laws of the State of New York
{ and has been duly authorized by said corporation to make this affidavit
~~{ a partnership composed of~~
~~a sole trader doing business as~~
and that as such he makes this affidavit; that he is familiar with the books and business of
said Jack Squire Inc; that the attached account against
The Smart Shop of Bay View, Ala
is just and correct, within the knowledge of this affiant, that the items thereon stated and com-
posing the said account were sold and delivered to said Smart Shop
at { its }
their } special instance and request, that credit has been duly given for all payments and
his }
just and lawful offsets to which said account is entitled as thereon stated, and that the balance
thereof, amounting to the sum of Seven hundred two 62/100 Dollars
(\$ 702.62) with interest from 19 is justly due and
remains unpaid.

I hereby certify under my official seal that I am authorized as a Notary Public to
administer oaths under the laws of the State of
and that the foregoing was subscribed and sworn to before me on the day and year
first above stated.

Notary Public

SAMUEL SOLOMON

Notary Public State of New York

Qualified in State of No. 24-9104800

Cert. filed in New York County

A. D. 19

County of

My commission expires

Commission Expires March 30, 1963

W. 4685
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

JACK SQUIRE, INC., a New York
corporation,
PLAINTIFF

VS:

EDMUND R. CIMINO, d/b/a SMART
SHOP,
DEFENDANT

Received 19 day of April 1961
and on 20 day of April 1961
I served a copy of the within 1961
on Edmund R. Cimino
By service on [Signature]

TAYLOR WILKINS, Sheriff
By [Signature] D. S.
C. M.

FILED

APR 19 1961

ALICE A. DUCK, CLERK
REGISTER

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

JACK SQUIRE, INC. A
New York Corporation,

Plaintiff,

Vs

EDMUND R. CIMINO, D/B/A
SMART SHOP,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

4685'

DEMURRERS

Comes now the Defendant in above styled cause and for demurrer to the said Complaint, and to each and every count thereof separately and severally says as follows:

-1-

The allegations fail to state a cause of action.

-2-

The allegations of the Complaint are mere conclusions of the pleader.

-3-

The allegations of Count I fails to allege from whom the account is due.

Kenneth Cooper
Attorney for Defendant

Attorney of Record for Plaintiff:
Hon Forest Christian
Foley, Alabama

Defendant demands trial by jury.

FILED

MAY 18 1961

ALICE J. DUCK, CLERK
REGISTER

Kenneth Cooper
Attorney for Defendant