

JUNIOR HOUSE, INC., a)
Wisconsin Corporation,)
Plaintiff,)
Vs)
EDMUND R. CIMINO,)
d/b/a THE SMART SHOP,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

Case No.

4695

DEMURRERS

Comes now the Defendant in above styled cause, and for answer to the Complaint heretofore filed in this cause, 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 itemized statement of account attached to the original Bill of Complaint fails to show that the account is due and payable.

-4-

The itemized statement of account attached to the original Bill of Complaint fails to show the date that account is due and payable.

Kenneth Cooper
Attorney for Defendant

Defendant demands a
trial by jury.

Kenneth Cooper
Attorney for Defendant

Attorney of record for Plaintiff:
Hon Forest A. Christian
Attorney at Law
Foley, Alabama

FILED

JUN 1 1961

ALICE J. DUCK, CLERK
REGISTER

SUMMONS

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 THE 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 JUNIOR HOUSE, INC., a Wisconsin corporation.

Witness my hand this the 14 day of May, 1961.

W. J. H. H. H.
Clerk

Ex-5-9-61
* * * * *

COMPLAINT

JUNIOR HOUSE, INC., a
Wisconsin corporation,

PLAINTIFF

VS:

EDMUND R. CIMINO, doing
business as THE SMART SHOP,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT I:

The plaintiff claims of the defendant THREE HUNDRED NINE & 55/100 DOLLARS (\$309.55), due from him by account on, to wit: the 24th day of February, 1961, which sum of money, with interest thereon, is still unpaid.

COUNT II:

The plaintiff claims of the defendant THREE HUNDRED NINE & 55/100 DOLLARS (\$309.55), due from him on account stated between the plaintiff and the defendant on, to wit: the 24th day of February, 1961, which sum of money, with interest thereon, is still unpaid.

COUNT III:

The plaintiff claims of the defendant THREE HUNDRED NINE & 55/100 DOLLARS (\$309.55), due from him for merchandise, goods and chattels sold by the plaintiff to the defendant on, to wit: the 24th day of February, 1961, 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 18th day of April, 1961.

W. J. H. H. H.
Attorney for Plaintiff

The defendant's address is:
Bay Minette, Alabama

STATEMENT
JUNIOR HOUSE, INC.

Milwaukee

710 SOUTH THIRD STREET
MILWAUKEE 4, WISCONSIN

Smart Shoppe

Bay Minette, Alabama

Date	Invoice No.	Charges	Credits	Balance
7/20	17294	58.55		
7/20	17373	136.00		
7/27	18379	65.10		
8/15	21630	69.10		
8/23	23505	40.70		
8/29	24774	19.60		
1/15	8777		20.00	
6/8	11100		9.50	
2/24	Cash received		50.00	
				309.55

STATE OF Wisconsin
COUNTY OF Milwaukee

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Kenneth B. Ross

known to me, who being duly sworn, states on oath that the foregoing and annexed account and claim in favor of Junior House, Inc.

*which is a corporation organized and existing under the laws of the State of Wisconsin

and of which corporation affiant is the authorized Vice President
Officer, Agent or Attorney

*which is a partnership consisting of _____

and of which partnership affiant is _____
Member, Agent or Attorney

*which is a sole proprietorship of which affiant is the _____
Owner, Agent or Attorney

and which account and claim is against _____

for the sum of ~~\$320.05~~ \$309⁵⁵ Dollars

is, within the knowledge of the affiant, just and true, that it is due, and that all just and lawful offsets, payments and credits have been allowed.

Kenneth B. Ross
(Affiant's Name Only)

SWORN TO and subscribed before me, this the 18 day of April, 19 61

(SEAL)

Irene G. Gorkum

Notary Public in and for said County and State

*Delete as required.

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My Commission Expires Aug. 13, 1961

4695
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

JUNIOR HOUSE, INC., a Wisconsin
corporation,

PLAINTIFF

-VS-

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

DEFENDANT

Received 8 day of May 1961
and on 9 day of May 1961
served a copy of the within AT 2:30
on Edmund R. Cimino
by service on _____

TAYLOR WILKINS, Sheriff
By W. A. Talbert D. S.
D. M.

FILED

MAY 10 1961

ALICE J. DUCK, CLERK
REGISTER

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

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FOREST A. CHRISTIAN
FOLEY, ALABAMA