

SOUTHEASTER FACTORS CORPORATION,)
A North Carolina Corporation,)

Plaintiff,

Vs

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

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

At Law

#4708

DEMURRERS:

Comes now the Defendant in the 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 of the complaint 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 pay-
able.

-4-

The itemized statement of account attached to the original
Bill of Complaint fails to show that the account is complete.

-5-

Count III of the Bill of Complaint is a mere conclusion of the
pleader.

Defendant demands a trial by jury.

Kenneth Coon
Attorney For Defendant

Kenneth Coon

Attorney of Record for Plaintiff:
Hon Forest A. Christina
Attorney at Law
Foley, Alabama

FILED

JUN 15 1961

ALICE J. DUCK, Clerk

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 SOUTHEASTERN FACTORS CORPORATION, a North Carolina corporation.

Witness my hand this the 22 day of May, 1961.

David J. Black
Clerk

* * * * *

COMPLAINT

SOUTHEASTERN FACTORS CORPORATION,))
a North Carolina corporation,))

PLAINTIFF)

VS:)

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

DEFENDANT)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT I:

The plaintiff claims of the defendant TWO HUNDRED SEVENTY-EIGHT & 08/100 DOLLARS (\$278.08), due from him 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 TWO HUNDRED SEVENTY-EIGHT & 08/100 DOLLARS (\$278.08), 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 TWO HUNDRED SEVENTY-EIGHT & 08/100 DOLLARS (\$278.08), 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 8th day of May, 1961.

The defendant's address is:
Bay Minette, Alabama

Paul Allen
Attorney for Plaintiff

Filed
5-22-61
David J. Black

SOUTHEASTERN FACTORS CORPORATION

P. O. BOX 1377

CHARLOTTE 1, N. C.

STATEMENT

DATE May 8, 1961

Smart Shop
Bay Minette
Alabama

Invoices covered by this statement have been assigned to, are owned by, and are payable in Par Funds to SOUTHEASTERN FACTORS CORPORATION, P. O. Box 1377, Charlotte 1, N. C. — If this statement does not agree with your records, notify FACTORS at once.

SHIPPED BY Ruth Originals Corporation

REMITTANCES ARE TO BE MADE DIRECT TO SOUTHEASTERN FACTORS CORPORATION
TO INSURE PROPER CREDIT — SHOW VENDOR'S NAME AND INVOICE NUMBER(S).

STORE NO.	INVOICE OR CLAIM NO.	INVOICE DATE	DUE DATE	DEBITS	CREDITS	AMOUNT
	52886	7-26-60	9-10-60	97.50		
	51787	8-9-60	9-10-60	114.75		
	57469	8-25-60	10-10-60	44.68		
	58367	8-31-60	10-10-60	21.15		
						\$278.08

Affidavit to Claim

STATE OF North Carolina }
COUNTY OF Mecklenburg } ss.

Before me, the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared H.D. Reynolds who

being by me first duly sworn according to law, deposes and says that he is* Assist. Sec. Treas. of Southeastern Factors Corporation

1. A corporation organized and doing business under the laws of the State of North Carolina
2. A partnership composed of _____
3. A sole trader doing business as _____

and that as such he is authorized to make this affidavit; cognizant of the facts constituting the cause of action; that he is familiar with the books and business of said Southeastern Factors Corporation

that the account against Smart Shop of Bay Minette, Ala. hereto attached, marked "Exhibit A" and made a part hereof

is a true and correct copy of books of original entry, instrument of writing or claim, on which this action is brought, of Southeastern Factors Corporation; that the goods for which said

charges were made were sold and delivered to the said Smart Shop at its special instance and request; that the charges made therefor are fair and reasonable and as per

contract, and that he promised to pay the sums charged; that credit has been duly given for all payments, counter claims and setoffs and that there is no usury therein; that said Southeastern Factors Corporation

has no collateral or other security for the payment thereof and that there now remains due and owing from said Smart Shop to Southeastern Factors Corporation

the sum of Two Hundred Seventy-Eight Dollars & Eight Cents- Dollars, (\$278.08) together with interest thereon from _____ 1961

Subscribed and sworn to before me this 7 day of May 1961

Russell Z. Malley, Jr. L. S.
Notary Public

*Treasurer, Member of Firm or Sole Proprietor.

POWER OF ATTORNEY

To Forest A. Christian, Foley, Ala.

or _____

You or your representative endorsed hereon, are hereby appointed the attorney-in-fact for the undersigned, and each or either of you is authorized to attend any and all meetings of creditors or adjourned meetings of creditors of the above named debtor in any court or elsewhere, and for the undersigned to vote for or against any proposal or resolution that may be submitted in reference to the affairs or estate of the above named debtor; to accept or refuse any composition in or out of bankruptcy proposed by said debtor or his or its representatives; to receive, endorse, receipt for and collect any payments of dividends or fees or moneys due the undersigned under any composition or otherwise and in general to take such action and do such acts, execute such consents for the undersigned as you may deem best, as fully as the undersigned could do if personally present. And all powers of attorney heretofore executed by the undersigned in this proceeding are hereby revoked.

In Witness Whereof, the above named claimant has signed these presents or has caused them to be signed and its corporate seal affixed this 7 day of May 1961

(Corp. Seal.)

Southeastern Factors Corporation

(Corporate or partnership name here)

H.D. Reynolds L. S.
(Name of officer, partner or individual here)

FOR CORPORATION

CITY OF Charlotte
STATE OF North Carolina
COUNTY OF Mecklenburg } SS:

On this _____ day of _____, 1961, before me personally came
H.D. Reynolds _____, to me known, who being by me duly sworn, did depose
and say that he resides in _____; that he is the _____ Assist. Sec. Treas. of
the _____ Southeastern Factors Corporation _____ the corporation described in and which executed the above instrument;
that he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by order
of the board of directors of said corporation; and that he signed his name thereto by like order.

_____ (Notary Public signs here)

FOR PARTNERSHIP

CITY OF _____
STATE OF _____
COUNTY OF _____ } SS:

On this _____ day of _____, 19____, before me personally came
_____ to me known and known to me to be one of the persons described in and who
executed the foregoing instrument and who duly acknowledged that he executed the same, and who being by me duly sworn, did depose and
say that he is a member of said partnership and is duly authorized to execute same on behalf of his said firm.

_____ (Notary Public signs here)

FOR INDIVIDUAL

CITY OF _____
STATE OF _____
COUNTY OF _____ } SS:

On this _____ day of _____, 19____, before me personally came
_____ to me known and known to me to be the individual described in and who executed
the foregoing instrument and he duly acknowledged to me that he executed the same.

_____ (Notary Public signs here)

American Credit Indemnity Co.
of New York

Affidavit to Claim

Against

Debtor

Claimant

no. 4706

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

SOUTHEASTERN FACTORS CORPORATION,
a North Carolina corporation,

PLAINTIFF

-VS-

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

DEFENDANT

Received 27 day of May 1961
and on 30 day of May 1961
I served a copy of the within Edmund R. Cimino
on Cimino R. Cimino

By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Christian
o m

filed 5-22-61
Deirdre Neuch
Clerk

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA