STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Edmund R. Cimino d/b/a The Smart Shop, to appear and plead, answer or demue within thirty days from the service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, by Eastern Infants Wear, Inc., a corporation.

Witness my hand this the Z day of

: Julian,

1961

Alice J. Dúcka Clerk

| EASTERN INFANTS WEAR, INC., a  | Q |  |
|--|---|--|
| Corporation  | X | IN THE CIRCUIT COURT OF  |
| Plaintiff  | X | BALDWIN COUNTY, ALABAMA  |
| VS   | Q | AT LAW   |
| EDMUND R. CIMINO d/b/a THE   | Ŏ | NO (10/6)  |
| SMART SHOP and individually  | Ŏ | NO. I Service and the service  |
| Defendant  | Ŏ | The state of the s |
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The Plaintiff claims of the Defendant the sum of EIGHTY-FOUR and 61/100 DOLIARS (\$84.61), due from him by account on, to-wit, February 10, 1961, which sum of money with the interest thereon is still unpaid.

An itemized statement of the account sued on, verified by the affidavit of a competent witness, is attached hereto as Exhibit "A" and made a part hereof.

2.

The Plaintiff claims of the Defendant the sum of EIGHTY-FOUR and 61/100 DOLLARS (\$84.61), due from him on account stated between the Plaintiff and the Defendant on the 10th day of February, 1961, which sum of money with the interest thereon, is still unpaid.

3.

The Plaintiff claims of the Defendant the sum of EIGHTY-FOUR and 61/100 DOLLARS (\$84.61), due from him by account on the 10th day of February, 1961, which sum of money with the interest thereon, is still unpaid.

JUL 13 1961: JUL 13 1961: ALIOL J. BUCK, Clerk WILTERS, BRANTLEY & NESBIT

BX:

Attorneys for the Plaintiff

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| STATE OF New Joseph   |
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| COUNTY OF   |
| Before me,  |
|   |
| FRIEDMAN, who being by me duly sworn, deposes and says,                   |
| that he is Secretary- treasurer for the firm of Eastern                   |
| Infants Wear, Inc.; that the annexed statement of the account of the firm |
| against the Smart Shop of Bay Minette, in the State of Alabama, is just,  |
| true and correct; that there is now due on said account \$ 84.61,         |
| after deducting all credits, set-offs or counter-claims.                  |
| Mater Fuelen  |
| Sworn to and subscribed before me this 13th day of                        |

Notary Public NOTARY PUBLIC OF NEW JERSEY
My Commission expires Feb. 2, 1965

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. 4268

EASTERN INFANTS WEAR, INC., a Corporation

Plaintiff

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

Defendant

JUL 13.1961;
ALICE J. DUCK, Glerk

Wilters, Brantley & Nesbit Attorneys at Law Robertsdale, Alabama

By service on TAYLOR WILKINS, Sheepts

EASTERN INFANTS WEAR, INC., ? A Corporation,

Plaintiff,

٧s

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

Defendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW

No. 4768

## 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 fail to state a cause of action.

-2-

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

-3-

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

\_\_\_\_\_

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

-5-

The allegations of the Complaint fail to show how Edmund R. Cimino as an individual is responsible for the alleged debt.

Defendant demands a trial by

jury in this cayse.

Attorney of Record for Plaintiff: Hon Phyllis R. Nesbit Attorney at Law

Robertsdale, Alabama

January L

AUG IN 1001

ALKE J. DUCK, CLERK REGISTER