

MOBILE BEVERAGE COMPANY, INC.,	:	IN THE CIRCUIT COURT OF
a corporation,	:	
	:	
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
	:	
versus	:	
	:	AT LAW
BAYOU, INC., a corporation, M.	:	
J. MASTIN and F. J. BROWN, a	:	
partnership d/b/a BAYOU, INC.,	:	
a corporation; BAYOU BEVERAGE	:	
COMPANY, INC., a corporation,	:	
and M. J. MASTIN and F. J.	:	
BROWN, a partnership d/b/a	:	CASE NO. 5111
BAYOU BEVERAGE COMPANY, INC.;	:	
M. J. MASTIN and F. J. BROWN,	:	
individually,	:	
	:	
Defendants.	:	


PLEA IN ABATEMENT

Comes now F. J. Brown and appears specially and solely for the purpose of filing this plea in abatement and for no other purpose and moves the Court to quash the service of complaint and summons had upon him as an officer of Bayou, Inc., a corporation, and as grounds therefor shows unto the Court as follows:

1. F. J. Brown was formerly a stockholder and officer in the corporation known as Bayou, Inc., a corporation, but that his interest in said corporation was sold on, to-wit, August 26, 1961, and since that day he has had no interest in said corporation and is not now, nor has he been since that date either a stockholder or officer of said corporation.

Wherefore F. J. Brown prays that service of complaint and summons had upon Bayou, Inc., by service on him be quashed.

  
F. J. Brown



FILED  
MAY 28 1962  
ALICE J. DUCK, CLERK  
REGISTER

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me the undersigned Notary Public in and for said State and County, F. J. Brown, known to me, who by me first being duly sworn deposes and says that he has read the above and foregoing plea and has knowledge of the facts stated therein and that the facts stated therein are true and correct.


  
F. J. Brown

Subscribed and sworn to

before me this 25 day of May, 1962

  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

KILBORN, DARBY AND KILBORN

By   
Attorneys for F. J. Brown


FILED  
MAY 28 1962  
ALICE I. DUCK, CLERK  
REGISTER

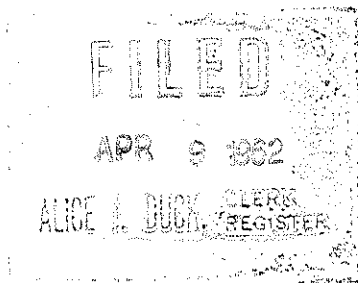
STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

✓ You are hereby commanded to summon BAYOU, INC., a corporation, J. J. MASTIN and F. J. BROWN, a partnership d/b/a BAYOU, INC., a corporation; BAYOU BEVERAGE COMPANY, INC., a corporation, and M. J. MASTIN and F. J. BROWN, a partnership d/b/a BAYOU BEVERAGE COMPANY, INC.; M. J. MASTIN and F. J. BROWN, individually, to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of MOBILE BEVERAGE COMPANY, INC. a corporation.

Witness my hand this 9 day of April, 1962.

  
Clerk



MOBILE BEVERAGE COMPANY, INC., X  
a corporation, X

Plaintiff, X

Vs. X

BAYOU, INC., a corporation, M. J. X  
MASTIN and F. J. BROWN, a part- X  
nership d/b/a BAYOU, INC., a cor- X  
poration; BAYOU BEVERAGE COM- X  
PANY, INC., a corporation, and X  
M. J. MASTIN and F. J. BROWN, a X  
partnership d/b/a BAYOU BEVERAGE X  
COMPANY, INC.; M. J. MASTIN and X  
F. J. BROWN, individually, X

Defendants. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. \_\_\_\_\_

1.

Plaintiff claims of the Defendants the sum of, to-wit, \$463.95, due by check drawn on the Merchants National Bank of Mobile, Mobile, Alabama, by the Defendants, on, to-wit, August 19, 1961, and payable to the Plaintiff, in which said check was not honored by the said Bank on account of insufficient funds of the said Defendants.

2.

Plaintiff claims of the Defendants the sum of, to-wit, \$439.55, due by check drawn on the Merchants National Bank of Mobile, Mobile, Alabama, by the Defendants, on, to-wit August 21, 1961, and payable to the Plaintiff, in which said check was not honored by the said Bank on account of insufficient funds of the said Defendants.

3.

Plaintiff claims of the Defendants the sum of, to-wit, \$402.40, due by check drawn on the Merchants National Bank of Mobile, Mobile, Alabama, by the Defendants, on, to-wit August 25, 1961, and payable to the Plaintiff, in which said check was not honored by the said Bank on account of insufficient funds of the said Defendants.

4.

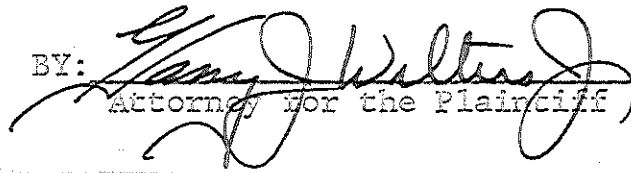
Plaintiff claims of the Defendants the sum of, to-wit, \$533.75, due by check drawn on the Merchants National Bank of Mobile, Mobile, Alabama, by the Defendants, on, to-wit, August 26, 1961, and payable to the Plaintiff, in which said check was not honored by the said Bank on account of insufficient funds of the said Defendants.

5.

Plaintiff claims of the Defendants \$1,839.65, due from them by account on the 26th day of August, 1961, which sum of money, with interest thereon, is still unpaid.

WILTERS & BRANTLEY

BY:

  
Attorney for the Plaintiff

Defendants Address:

M. J. Mastin - Fairhope, Alabama

F. J. Brown - 13 McPhillips Avenue, Mobile, Alabama.

3188-89

Received 9 day of Apr 1962  
 and on 18 day of Apr 1962  
 I served a copy of the within etc  
 on M. J. Martin, Ind.  
M. J. Martin  
 By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
 By W. C. Garner D. S.  
I hope

Received 9 day of April 1962  
 and on 18 day of April 1962  
 I served a copy of the within etc  
 on M. J. Martin & Hope  
Bayou, Inc.  
 By service on M. J. Martin

TAYLOR WILKINS, Sheriff  
 By W. C. Garner D. S.  
I hope

Received 9 day of April 1962  
 and on 18 day of April 1962  
 I served a copy of the within etc  
 on M. J. Martin & Hope  
Bayou Beverage Co. Inc.  
 By service on M. J. Martin

TAYLOR WILKINS, Sheriff  
 By W. C. Garner D. S.  
I hope

Sheriff claims 280 miles at  
 Ten Cents per mile Total \$ 28.00  
 TAYLOR WILKINS, Sheriff  
 BY Garner  
 DEPUTY SHERIFF

9 M. J. Martin  
Mobile Beverage Co  
Inc. a Corp.

Bayou, Inc. a corp  
M. J. Martin and  
J. F. Brown  
Bayou Beverage Co.  
Inc. a Corp.  
Shane  
Sea Cliff

FILED  
 APR 9 1962  
 ALICE J. DUCK, CLERK  
 REGISTER

Received 9 day of April 1962  
 and on 18 day of April 1962  
 I served a copy of the within etc  
 on Bayou, Inc.  
 By service on M. J. Martin

TAYLOR WILKINS, Sheriff  
 By W. C. Garner D. S.  
I hope

Received 27 Day of Apr 1962  
 and on 8 Day of May 1962  
 I served a Copy of the within etc  
 on Bayou, Inc.  
 by service on J. F. Brown  
Partner

RAY D. BRIDGES, Sheriff  
 By L. B. Smith D. S.

Received 27 Day of Apr 1962  
 and on 8 Day of May 1962  
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Bayou Beverage Co. Inc.  
 By service on J. F. Brown  
Partner  
 RAY D. BRIDGES, Sheriff  
 By L. B. Smith D. S.

MOBILE BEVERAGE COMPANY, INC., )  
a corporation, )

Plaintiff )

Vs. )

BAYOU, INC., a corporation M.J. )  
MASTIN and F.J. BROWN, a part- )  
nership d/b/a/ BAYOU, INC., a cor- )  
poration; BAYOU BEVERAGE COM- )  
PANY, INC., a corporation, and )  
M. J. MASTIN and F. J. BROWN, a )  
partnership d/b/a/ BAYOU BEVERAGE )  
COMPANY, INC.; M. J. MASTIN and )  
F. J. BROWN, individually, )

Defendants )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 5111

DEMURRER

Comes the Defendant BAYOU, INC., a corporation, in the above styled cause and demur to the Complaint, and to each count thereof separate and severally, filed in said cause and assign the following separate and several grounds, viz:

1.

That said Complaint does not state a cause of action.

2.

That said Complaint is vague and indefinite.

3.

That said Complaint is vague and indefinite in that it does not state which Defendant, or Defendants, was the drawer of the checks drawn on the Merchants National Bank of Mobile, Mobile, Alabama.

4.

That said Complaint does not allege by whom said checks were drawn.

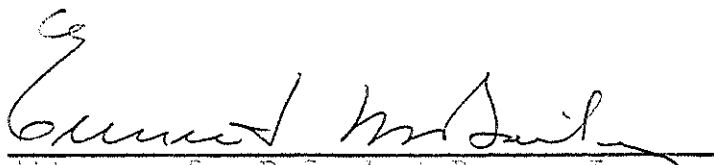
5.

The said Complaint is vague and indefinite in that the Defendants should be set forth with more particularity.

FILED

AUG 6 1962

ALICE J. DUCK, CLERK  
REGISTER

  
Attorney for Defendant Bayou, Inc.,  
a Corporation

MOBILE BEVERAGE COMPANY, INC.,	:	IN THE CIRCUIT COURT OF
a corporation,	:	
	:	
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
	:	
versus	:	
	:	AT LAW
BAYOU, INC., a corporation, M.	:	
J. MASTIN and F. J. BROWN, a	:	
partnership d/b/a BAYOU, INC.,	:	
a corporation; BAYOU BEVERAGE	:	
COMPANY, INC., a corporation,	:	
and M. J. MASTIN and F. J.	:	
BROWN, a partnership d/b/a	:	CASE NO. 5111
BAYOU BEVERAGE COMPANY, INC.;	:	
M. J. MASTIN and F. J. BROWN,	:	
individually,	:	
	:	
Defendants.	:	

# PLEA IN ABATEMENT

Comes now F. J. Brown, defendant in the above-styled cause and appears specially and solely for the purpose of filing this plea in abatement and for no other purpose and prays that this cause be abated and as grounds therefor shows unto the Court as follows:

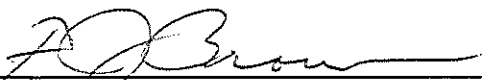
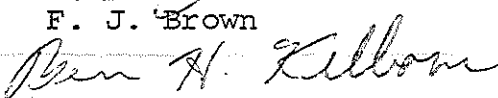
1. This action is based on contract and the defendant, F. J. Brown, is a bona fide resident citizen of Mobile County, Alabama, and has been so for a number of years. At no time material hereto was the defendant a resident of Baldwin County, Alabama, but at all times was and is a bona fide resident of Mobile County, Alabama.

2. F. J. Brown has been sued individually and as a member of an alleged partnership, "M. J. Mastin and F. J. Brown, a partnership d/b/a Bayou, Inc., a corporation" and also as a member of an alleged partnership, "Bayou Beverage Company, Inc., a corporation, and M. J. Mastin and F. J. Brown, a partnership d/b/a Bayou Beverage Company, Inc."



3. F. J. Brown avers that at all times material hereto there was no partnership existing between him and M. J. Mastin under any name. On, to-wit, September 1, 1959, Bayou, Inc., a corporation, was incorporated. He avers that since said date, and at the time of the transaction ~~complained of and at the present time and at all times~~ since the date of said incorporation, on, to-wit, September 1, 1959, there has been no partnership between him and M. J. Mastin under any name and particularly under the names mentioned above, but at all times material hereto there was a corporation known as Bayou, Inc.


Wherefore defendant, F. J. Brown, prays that this cause be abated as to him.

  
\_\_\_\_\_  
F. J. Brown  


STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me the undersigned Notary Public in and for said State and County, F. J. Brown, known to me, who by me first being duly sworn deposes and says that he has read the above and foregoing plea and has knowledge of the facts stated therein and that the facts stated therein are true and correct.


  
\_\_\_\_\_  
F. J. Brown

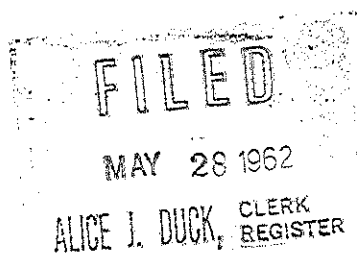
Subscribed and sworn to  
before me this 25 day of May, 1962.

  
\_\_\_\_\_  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

F. J. Brown respectfully demands a trial by jury.

KILBORN, DARBY AND KILBORN

By   
\_\_\_\_\_  
Attorneys for F. J. Brown



2 copies mailed to:  
Hon. E. M. Bailey  
Hon. Ben Wilson

MOBILE BEVERAGE COMPANY, INC., X  
a corporation, X  
X  
Plaintiff, X  
X  
Vs. X  
X  
BAYOU, INC., a corporation, M.J. X  
MASTIN and F. J. BROWN, a part- X  
nership d/b/a BAYOU, INC., a cor- X  
poration; BAYOU BEVERAGE COM- X  
PANY, INC., a corporation, and X  
M. J. MASTIN and F. J. BROWN, a X  
partnership d/b/a BAYOU BEVERAGE X  
COMPANY, INC.; M. J. MASTIN and X  
F. J. BROWN, individually, X  
X  
Defendants. X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
CASE NO. 5111

Comes now the Plaintiff in the above styled cause and Amends his Complaint to read as follows:

1.

Plaintiff claims of the Defendants the sum of \$463.95, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 19th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

2.

Plaintiff claims of the Defendants the sum of \$439.55, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 21st day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

3.

Plaintiff claims of the Defendants the sum of \$402.40, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 25th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

4.

Plaintiff claims of the Defendants the sum of \$533.75, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 26th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

5.

Plaintiff claims of the Defendants \$1,839.65, due from them by account on the 26th day of August, 1961, which sum of money, with interest thereon, is still unpaid.

WILTERS & BRANTLEY

BY:

  
Attorney for the Plaintiff

FILED

JUL 10 1962

ALICE J. DUCK, CLERK  
REGISTER

100-443887-100

NILSEN, J. W.

Before me, the undersigned authority, a Notary Public in and for said County in said State, personally appeared M. J. Mastin, who being duly sworn, deposes and says that he is a Defendant in the above and title cause, and has personal knowledge of the facts stated in the foregoing plea and that the said statements of fact therein contained are true.

STATE OF ALABAMA  
BALDWIN COUNTY

M. J. MASTIN, Defendant.

That he is a stockholder in Bayou, Inc., mentioned in the complaint, a corporation organized and existing under the laws of the State of Alabama, with its principal place of business on the Mobile Causeway, Baldwin County, Alabama; that at no time was he a partner in a business d/b/a BAYOU, INC., a corporation, and at no time was he a partner d/b/a BAYOU BEVERAGE COMPANY, INC., that at no time mentioned in the complaint was M. J. Mastin a partner d/b/a BAYOU, INC., a corporation, or a partner d/b/a BAYOU BEVERAGE COMPANY, INC. Therefore, Defendant says that this suit should be acted as to him and should not be allowed to proceed.

7.

SAYS:

Comes M. J. MASTIN, Defendant in title cause, and appears solely and specifically for the purpose of filing this plea and abatement, and for no other purpose, and pleading in abatement,

PLTA AND ABATEMENT

MOBILE BEVERAGE COMPANY, INC.,  
A CORPORATION,  
Plaintiff,  
vs.  
BAYOU, INC., a corporation, M.J.  
MASTIN and E. J. BROWN, a part  
nership d/b/a BAYOU, INC., a cor-  
poration; BAYOU BEVERAGE COM-  
PANY, INC., a corporation, and  
M. J. MASTIN and E. J. BROWN, a  
Partnership d/b/a BAYOU-BEVERAGE  
COMPANY, INC.; M.J. MASTIN and  
E. J. BROWN, individually,  
Defendants.

IN THE CIRCUIT COURT OF  
BALTIMORE COUNTY, ALABAMA  
AT LAW  
CASE NO. 5111

AMENDMENT TO SUMMONS AND COMPLAINT

MOBILE BEVERAGE COMPANY, INC.,	X	
a corporation,		
	X	
Plaintiff		IN THE CIRCUIT COURT OF
	X	
vs		BALDWIN COUNTY, ALABAMA
	X	
BAYOU, INC., a corporation,		AT LAW
et al,	X	
		CASE NO. <u>5111</u>
Defendant	X	

Comes now the Plaintiff in the above styled cause and amends his Summons and Complaint by striking therefrom M. J. Mastin and F. J. Brown, individually, and by adding thereto as parties Defendants M. J. Mastin and F. J. Brown, individually and as partners doing business as BAYOU BEVERAGE COMPANY. The Plaintiff's Summons and Complaint is amended to read as follows:

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon BAYOU, INC., a corporation, M. J. MASTIN and F. J. BROWN, a partnership d/b/a BAYOU, INC., a corporation; BAYOU BEVERAGE COMPANY, INC., a corporation and M.J. MASTIN and F. J. BROWN, a partnership d/b/a BAYOU BEVERAGE COMPANY, INC.; M. J. MASTIN and F. J. BROWN, individually and as partners doing business as BAYOU BEVERAGE COMPANY, to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of MOBILE BEVERAGE COMPANY, INC., a corporation.

WITNESS MY HAND THIS 22 day of July, 1963.

Alice D. Duck  
Clerk

MOBILE BEVERAGE COMPANY, INC.,	X	
a corporation,		
	X	
Plaintiff		IN THE CIRCUIT COURT OF
	X	
vs		BALDWIN COUNTY, ALABAMA
	X	
BAYOU, INC., a corporation, M.J.		AT LAW
MASTIN and F.J. BROWN, a partner-	X	
ship d/b/a BAYOU, INC., a corpora-	X	
tion; BAYOU BEVERAGE COMPANY, INC.,	X	CASE NO. <u>5111</u>
a corporation, and M.J. MASTIN and	X	
F.J. BROWN, a partnership d/b/a		
BAYOU BEVERAGE COMPANY, INC., M.J.	X	
MASTIN and F.J. BROWN, individually	X	
and as partnership d/b/a BAYOU BEV-	X	
ERAGE COMPANY.		
Defendants	X	

Comes not the Plaintiff in the above styled cause and Amends his Complaint to read as follows:

1.

Plaintiff claims of the Defendants the sum of \$463.95, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 19th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

2.

Plaintiff claims of the Defendants the sum of \$439.55, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 21st day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

3.

Plaintiff claims of the Defendants the sum of \$402.40, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 25th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

4.

Plaintiff claims of the Defendants the sum of \$533.75, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 26th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendant. 132

5.

Plaintiff claims of the Defendants \$1,339.65, due from them by account on the 26th day of August, 1961, which sum of money, with interest thereon, is still unpaid.

WILTERS & BRANTLEY

BY: 

Attorney for the Plaintiff

Defendants Address:

M. J. Mastin - Fairhope, Alabama

F. J. Brown - 13 McPhillips Avenue, Mobile, Alabama

FILED

JUL 22 1963

ALICE L. DUCK, CLERK  
REGISTER

EX-7-24-63

#5111

Mobile Beverage Co.

VS-

Bayou Inc. a corp.

address of Martin  
SEA Cliff Dr.  
WA 89973

FILED

JUL 22 1963

CLERK  
REGISTER

Serve M.J. Martin - Hope  
F.J. Brown - 13 McPhillips Ave. Mobile

received 22 day of July 1963  
and on 24th day of July 1963

served a copy of the within D & C  
by M. J. Martin

by service on

TAYLOR, WILKINS, Sheriff  
By Seibert & Eastburn D. S.  
F. Hope

Sheriff claims 70 miles at  
Ten Cents per mile Total \$ 7.00  
TAYLOR WILKINS, Sheriff  
BY Fred Seibert  
DEPUTY SHERIFF  
Jim Eastburn



MOBILE BEVERAGE COMPANY,	:	IN THE CIRCUIT COURT OF
INC., A Corporation,	:	
	:	BALDWIN COUNTY, ALABAMA,
Plaintiff,	:	
	:	AT LAW
versus	:	
	:	
BAYOU, INC., etc.	:	
	:	
Defendants.	:	CASE NO. <u>5111</u>

Comes now F. J. Brown, a defendant in the above-styled cause and demurs to the complaint and each and every count thereof heretofore filed against him and as grounds for demurrer sets down and assigns thereto, separately and severally, the following separate and several grounds:

1. Said count fails to state a cause of action.
2. For aught that appears this defendant did not draw any check payable to the plaintiff.
3. For that the times of the check which was allegedly drawn are not set out with sufficient particularity so as to appraise the defendant what he is called upon to defend.
4. For aught that appears said check has been paid.
5. For aught that appears there is nothing presently due and owing from this defendant to the plaintiff.
6. For aught that appears the plaintiff did not notify this defendant of said dishonor and demand payment of said check.
7. For aught that appears this defendant had no notice of dishonor of said check.
8. For aught that appears the check was not presented to this defendant for payment.

9. For that it does not appear from said count that there was any consideration for the check which was issued.

10. For aught that appears the defendant paid said check that was presented to him for payment.

11. For it does not appear in what capacity this defendant signed said check.

12. For aught that appears said check was presented before it was due.

13. For aught that appears said check was not presented for payment within a reasonable time after the drawing thereof.

14. For aught that appears said check was not presented at the place specified.

KILBORN, DARBY AND KILBORN

By Ban Kilborn  
Attorneys for F. J. Brown

Defendant F. J. Brown respectfully demands a trial by jury.

Ban Kilborn

MOBILE BEVERAGE COMPANY, INC.,  
a corporation,

Plaintiff,

Vs.

BAYOU, INC., a corporation, M.J.  
MASTIN and F. J. BROWN, a part-  
nership d/b/a BAYOU, INC., a cor-  
poration; BAYOU BEVERAGE COM-  
PANY, INC., a corporation, and  
M. J. MASTIN and F. J. BROWN, a  
partnership d/b/a BAYOU BEVERAGE  
COMPANY, INC.; M. J. MASTIN and  
F. J. BROWN, individually,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 511

Comes now the Plaintiff in the above styled cause and Amends  
his Complaint to read as follows:

1.

Plaintiff claims of the Defendants the sum of \$463.95, due  
from the Defendants by a check drawn by them on the Merchants  
National Bank of Mobile, Mobile, Alabama, in favor of the Plain-  
tiff for said amount, on the 19th day of August, 1961, which was  
duly presented for payment and payment refused, which sum of  
money, with interest thereon, is due and unpaid. Notice of the  
dishonor and non-payment was given the Defendants.

2.

Plaintiff claims of the Defendants the sum of \$439.55, due  
from the Defendants by a check drawn by them on the Merchants  
National Bank of Mobile, Mobile, Alabama, in favor of the Plain-  
tiff for said amount, on the 21st day of August, 1961, which was  
duly presented for payment and payment refused, which sum of  
money, with interest thereon, is due and unpaid. Notice of the  
dishonor and non-payment was given the Defendants.

3.

Plaintiff claims of the Defendants the sum of \$402.40, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 25th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

4.

Plaintiff claims of the Defendants the sum of \$533.75, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 26th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

5.

Plaintiff claims of the Defendants \$1,839.65, due from them by account on the 26th day of August, 1961, which sum of money, with interest thereon, is still unpaid.

WILTERS & BRANTLEY

BY:

  
Attorney for the Plaintiff

FILED

JUL 10 1963

ALICE J. DUCK, CLERK  
REGISTER

MOBILE BEVERAGE COMPANY, INC.,  
a corporation,

Plaintiff,

Vs.

BAYOU, INC., a corporation, M.J.  
MASTIN and F. J. BROWN, a part-  
nership d/b/a BAYOU, INC., a cor-  
poration; BAYOU BEVERAGE COM-  
PANY, INC., a corporation, and  
M. J. MASTIN and F. J. BROWN, a  
partnership d/b/a BAYOU BEVERAGE  
COMPANY, INC.; M. J. MASTIN and  
F. J. BROWN, individually,

Defendants.

IN THE CIRCUIT COURT OF

BALEWIN COUNTY, ALABAMA

AT LAW

CASE NO. 511

Comes now the Plaintiff in the above styled cause and Amends  
his Complaint to read as follows:

1.

Plaintiff claims of the Defendants the sum of \$463.95, due  
from the Defendants by a check drawn by them on the Merchants  
National Bank of Mobile, Mobile, Alabama, in favor of the Plain-  
tiff for said amount, on the 19th day of August, 1961, which was  
duly presented for payment and payment refused, which sum of  
money, with interest thereon, is due and unpaid. Notice of the  
dishonor and non-payment was given the Defendants.

2.

Plaintiff claims of the Defendants the sum of \$439.35, due  
from the Defendants by a check drawn by them on the Merchants  
National Bank of Mobile, Mobile, Alabama, in favor of the Plain-  
tiff for said amount, on the 21st day of August, 1961, which was  
duly presented for payment and payment refused, which sum of  
money, with interest thereon, is due and unpaid. Notice of the  
dishonor and non-payment was given the Defendants.

3.

Plaintiff claims of the Defendants the sum of \$402.40, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 23th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

4.

Plaintiff claims of the Defendants the sum of \$533.75, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 26th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

5.

Plaintiff claims of the Defendants \$1,839.65, due from them by account on the 26th day of August, 1961, which sum of money, with interest thereon, is still unpaid.

WILTERS & BRANTLEY

BY: 

Attorney for the Plaintiff

FILED

JUL 10 1963

ALICE J. DUCK, CLERK  
REGISTER

AMENDMENT TO SUMMONS AND COMPLAINT

MOBILE BEVERAGE COMPANY, INC.,	X	
a corporation,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff	X	
	X	BALDWIN COUNTY, ALABAMA
vs	X	
	X	AT LAW
BAYOU, INC., a corporation,	X	
et al,	X	CASE NO. <u>5111</u>
	X	
Defendant	X	

Comes now the Plaintiff in the above styled cause and amends his Summons and Complaint by striking therefrom M. J. Mastin and F. J. Brown, individually, and by adding thereto as parties Defendants M. J. Mastin and F. J. Brown, individually and as partners doing business as BAYOU BEVERAGE COMPANY. The Plaintiff's Summons and Complaint is amended to read as follows:

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon BAYOU, INC., a corporation, M. J. MASTIN and F. J. BROWN, a partnership d/b/a BAYOU, INC., a corporation; BAYOU BEVERAGE COMPANY, INC., a corporation and M.J. MASTIN and F. J. BROWN, a partnership d/b/a BAYOU BEVERAGE COMPANY, INC.; M. J. MASTIN and F. J. BROWN, individually and as partners doing business as BAYOU BEVERAGE COMPANY, to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of MOBILE BEVERAGE COMPANY, INC., a corporation.

WITNESS MY HAND THIS 22 day of July, 1963.

Alice D. Luck  
Clerk

MOBILE BEVERAGE COMPANY, INC.,	X	
a corporation,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff	X	
	X	BALDWIN COUNTY, ALABAMA
vs	X	
	X	AT LAW
BAYOU, INC., a corporation, M.J.	X	
MASTIN and F.J. BROWN, a partner-	X	CASE NO. <u>5111</u>
ship d/b/a BAYOU, INC., a corpor-	X	
ation; BAYOU BEVERAGE COMPANY, INC.,	X	
a corporation, and M.J. MASTIN and	X	
F.J. BROWN, a partnership d/b/a	X	
BAYOU BEVERAGE COMPANY, INC., M.J.	X	
MASTIN and F.J. BROWN, individually	X	
and as partnership d/b/a BAYOU BEV-	X	
ERAGE COMPANY.	X	
	X	
Defendants	X	

Comes not the Plaintiff in the above styled cause and Amends his Complaint to read as follows:

1.

Plaintiff claims of the Defendants the sum of \$463.95, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 19th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

2.

Plaintiff claims of the Defendants the sum of \$439.55, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 21st day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

3.

Plaintiff claims of the Defendants the sum of \$402.40, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 25th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendants.

4.

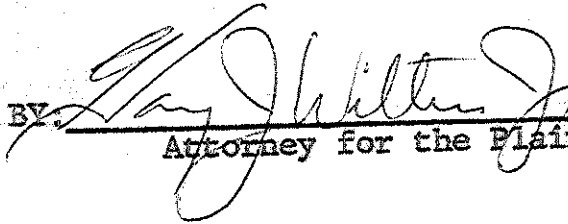
Plaintiff claims of the Defendants the sum of \$533.75, due from the Defendants by a check drawn by them on the Merchants National Bank of Mobile, Mobile, Alabama, in favor of the Plaintiff for said amount, on the 26th day of August, 1961, which was duly presented for payment and payment refused, which sum of money, with interest thereon, is due and unpaid. Notice of the dishonor and non-payment was given the Defendant.



5.

Plaintiff claims of the Defendants \$1,339.65, due from them by account on the 26th day of August, 1961, which sum of money, with interest thereon, is still unpaid.

WILTERS & BRANTLEY

BY:   
Attorney for the Plaintiff

Defendants Address:

M. J. Mastin - Fairhope, Alabama

F. J. Brown - 13 McPhillips Avenue, Mobile, Alabama

**FILED**

JUL 22 1963

ALICE J. DUCK, CLERK  
REGISTER

KILBORN, DARBY AND KILBORN

LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

TELEPHONE HEMLOCK 2-2635

CABLE ADDRESS:VEEKAY

VINCENT F. KILBORN  
WILLIS C. DARBY, JR.  
BENJAMIN H. KILBORN

May 25, 1962

Hon. Alice Duck  
Clerk, Circuit Court of  
Baldwin County  
Court House  
Bay Minette, Alabama

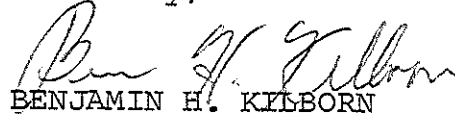
RE: MOBILE BEVERAGE COMPANY  
VS: BAYOU, INC., ETC.  
Case No. 5111  
Our File No. 5564

Dear Mrs. Duck:

Enclosed you will find pleadings which I would  
thank you to file in the above-styled cause.

Thank you.

Sincerely,

  
BENJAMIN H. KILBORN

BHK:sfh  
Encl.

Mrs Deek

+

Sheniffs

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Please do not  
levy on detainer sent  
until judgment rendered

Mrs Deek

+

Sheriffs

Please do not  
levy on detainer sent  
until judgment rendered