

Mercer Quarterly Court

Hartford Fire Insurance Company

Plaintiff

vs-- Affidavit

John C. Horn

Defendant

Comes now I, C. James, Attorney for John C. Horn, Defendant herein, and says that he was unable to attend the calling of the docket of the Mercer Quarterly Court on August 13, 1928, said attorney says that he came to court as soon as possible, arriving there at 10:30 A.M., before the court had adjourned for the day. He says that he was prevented from being present because of the fact that he was in the process of a settlement of a prospective law suit: that the parties that he was endeavoring to collect a sum of money from was, in his opinion in an insolvent financial condition; that the said party was about to leave town; that he has very little property subject to execution or attachment; affiant states that he believed his clients interests would suffer unless he attended to the said business at once; that he came to court prior to the filing of this motion and was required to leave; That the note that was supposed to be filed with the petition in the original suit was not with the papers, to the best of his knowledge and belief, prior to the calling of the docket and that he requested plaintiff's attorney to file said note so that he could make an intelligent answer; that in his opinion, the petition was indefinite and afforded him no clear impression of the issue.

He says his client (defendant) has a valid defense, as he verily believes.

Subscribed and sworn to before me this the 13 day of August, 1928.