

DONALD T. THRASH,  
PLAINTIFF  
VS  
CLYDE E. PENDERGRASS  
DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

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

(Transferred from Mobile County  
Circuit Court)

-----

Comes now the Defendant in the above styled cause and  
for answer to the Plaintiff's complaint says as follows:

1. Not guilty.

*W. H. Hay*  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 2nd day of February  
1967 served a copy of the foregoing pleading on counsel for all  
parties to this proceeding by mailing the same by United States  
Mail, properly addressed, with first class postage prepaid.

*W. H. Hay*

**FILED**

FEB 3-1967

AMEL DICK, CLERK  
REGISTERED

LAW OFFICES OF  
GAILLARD, WILKINS & SMITH

HANNAH HOUSES  
157-159 N. CONCEPTION STREET  
P. O. BOX 164

S PALMER GAILLARD (1881-1959)  
S. PALMER GAILLARD, JR.  
ROBERT B. WILKINS  
HARDY B. SMITH  
EMMETT R. COX  
WILLIAM O. KIRK, JR.  
T. RAYMOND WILLIAMS

MOBILE, ALABAMA  
36601

432-1832

October 4, 1967

Mrs. Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Re: Donald T. Thrash Vs.  
Clyde E. Pendergrass  
Case No. 7222

Dear Mrs. Duck:

I received your notice that the above case had been dismissed and that the Court Cost is \$49.80.

I discussed this with Mr. Donald T. Thrash and he advised me that he will be in a position to pay this Court Cost within 60 days. Therefore, will you please withhold execution on this and allow Mr. Thrash time in which to pay this amount.

Thank you for your co-operation in this matter.

Sincerely yours,

GAILLARD, WILKINS & SMITH

By W. O. Kirk, Jr.  
W. O. Kirk, Jr.

WOK,jr:cb  
cc: Donald T. Thrash  
4692 Circle Drive  
Saraland, Alabama

WOK, jr:cb  
cc: Alice J. Duck, Clerk  
Circuit Court of  
Baldwin County  
Bay Minette, Alabama  
cc: Donald T. Thrash  
4692 Circle Drive  
Saraland, Alabama

BY W. O. Kirk, Jr.

GAILLARD, WILKINS & SMITH

Sincerely yours,

Thank you for your cooperation in this matter  
Please have your client, Mr. Pendergrass, pay  
this court cost in accordance with our agreement.

I received this morning a notice from the clerk  
of the Circuit Court in Bay Minette, Alabama stating  
that the above case was dismissed for want of prosecution  
on September 13, 1967. The notice also stated that the  
court cost is \$49.80.

Dear Mr. Hayes:

Re: Thrash vs. Pendergrass

Honorable Wilson Hayes  
Attorney At Law  
Post Office Box 300  
Bay Minette, Alabama

September 26, 1967

S. PALMER GAILLARD, JR. (688-1959)  
S. PALMER GAILLARD, JR.  
ROBERT B. WILKINS  
HAROLD B. SMITH  
EMMETT R. COX  
WILLIAM O. KIRK, JR.

MOBILE, ALABAMA 36601  
P. O. BOX 164

LAW OFFICES OF  
GAILLARD, WILKINS & SMITH  
HANNAH HOUSES  
157-159 N. CONCEPTION STREET

7222

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA, AT LAW

CASE NO. 18988 - McCALL

\*\*\*\*\*

GAILLARD, WILKINS & SMITH  
BY: W.O. KIRK, JR.

DONALD T. THRASH

JURY

VS. Suit for \$5,000.00 damages for causing Plaintiff  
to be arrested under a warrant issued by Perry E.  
McClelland, a Justice of the Peace- Baldwin County.

CLYDE E. PENDERGRASS

FILED  
OCT 25 1966  
ALICE L. DICK, CLERK  
REGISTER

\*\*\*\*\*

PLEADINGS, PROCESS, ETC.	* FILING DATE *		
1. Complaint & Summons	* 4-5-66	* C & S served on Defendant on May 5, 1966.	
2. Plea in Abatement	* 5-25-66	* Amended C & S served on Defendant on June 8, 1966.	
3. Amended Complaint & Summons - - - - -	* 5-25-66	* Plaintiff's demurrer filed June 10, 1966 to defendant's plea in Abatement.	
4. Plea in Abatement	* 6-9-66	* June 17, 1966 - Demurrer Submitted.	33-788
5. Demurrer to Plea in Abatement - - - - -	* 6-10-66	* June 23, 1966 - Demurrer Overruled.	33-808
6. Replication to Defendant's Plea in Abatement - - - - -	* 7-5-66	* September 23, 1966- Replication to Plea in Abatement Submitted.	34-225
7. Stipulation of Facts for Plea in Abatement	* 9-22-66	* September 29, 1966- Judgment rendered for Defendant sustaining his Plea in Abatement, and case transferred to Baldwin County.	
	*		
	*		
	*		

DAN T. McCALL, JR., Judge 34-245

I, JOHN E. MANDEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court.

In witness whereof I have hereunto set my hand and attached my official seal as such Clerk of said Court at Mobile, Mobile County, Alabama, on this the 24th day of October, 1966.

*John E. Mandeville*, Clerk.

DONALD T. THRASH, ) IN THE CIRCUIT COURT OF  
 Plaintiff, ) MOBILE COUNTY, ALABAMA  
 VS. )  
 ) AT LAW  
 CLYDE E. PENDERGRASS, )  
 Defendant. ) CASE NO. 18988

C O M P L A I N T  
Count I

The plaintiff claims of the defendant FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), for maliciously, and without probable cause therefor, causing the plaintiff to be arrested under a warrant issued by Perry G. McClelland, a Justice of the Peace, Precinct 4, Baldwin County, Alabama, on to-wit, the 8th day of March, 1966, on a charge of larceny, which charge, before the commencement of this action, has been judicially investigated, and said prosecution ended, and the plaintiff discharged, and as a direct and proximate result the plaintiff was caused to lose time from his work, to suffer great mental anguish, to be humiliated in front of his employer and fellow employees, to be greatly embarrassed, to suffer injury to his reputation, and the plaintiff also claims punitive damages.

GAILLARD, WILKINS & SMITH  
 Attorneys for Plaintiff

By W. O. Kirk, Jr.  
 W. O. KIRK, JR.

The plaintiff demands a trial by jury.

GAILLARD, WILKINS & SMITH  
 Attorneys for Plaintiff

By W. O. Kirk, Jr.  
 W. O. KIRK, JR.

Defendant may be served at:

2316 Baldwin Drive  
 Daphne, Alabama

STATE OF ALA. MOBILE CO.  
 I CERTIFY THIS PLEADING  
 WAS FILED ON

Apr 5 4 50 PM '66

J. M. McNeill  
 CLERK

**THE STATE OF ALABAMA**  
MOBILE COUNTY



CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

CLYDE E. PENDERGRASS

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,  
at the place of holding the same, then and there to answer the complaint of \_\_\_\_\_

DONALD T. THRASH

WITNESS: John E. Mandeville, Clerk of said Court, this 5th day of April, 1966

Attest: John E. Mandeville  
Clerk

**SHERIFF'S RETURN**

Received 6 day of April, 1966 and on 5 Day  
of May, 1966, I served a copy of  
the within CP on [Signature]  
by service on Clyde E. Pendergrass

RAY D. BRIDGES, SHERIFF

By [Signature] D.S.

MOBILE SHERIFF DEPT.  
MOBILE COUNTY, ALA.

APR 8 3 52 PM '66

BY

Received 8 day of April 1966  
and on day of April 1966  
I served a copy of the within  
on Clyde E. Pendergrass

By service on  
TAYLOR WILKINS, Sheriff  
D. S.

*Filed 4/25*  
*No. 18988 MC*  
JUDGE \_\_\_\_\_ DOCKET

CIVIL DIVISION

**CIRCUIT COURT**  
MOBILE COUNTY

DONALD T. THRASH

VS. } Complaint and Summons

*5-6X*  
*SN*  
CLYDE E. PENDERGRASS

Issued 5th day of April, 1966

Defendant's Address  
2316 Baldwin Drive,  
Daphne, Alabama

*call*  
*4/25*

W.O. KIRK, JR.  
Plaintiff's Attorney

Returned 22 day of April 1966  
Not found in my county after diligent search and  
by Taylor Wilkins, Sher  
Roy Rowland, Deputy Sher

MOBILE COUNTY  
SHERIFF'S OFFICE

DONALD T. THRASH  
PLAINTIFF  
VS  
CLYDE E. PENDERGRASS  
DEFENDANT

IN THE CIRCUIT COURT  
MOBILE COUNTY, ALABAMA  
AT LAW  
CASE # 18988 *me*

.....  
PLEA IN ABATEMENT

Comes now Defendant specially and by his Attorney, Wilson Hayes and only for the purpose of making this, his plea in abatement, and says:

That Plaintiff ought not to have and maintained his said action against Defendant for that:

1. Defendant resides in Baldwin County, Alabama and maintains a permanent residence in the State of Alabama in Baldwin County, Alabama which is, to-wit 2316 Baldwin Drive, Daphne, Alabama, of which Plaintiff has full knowledge.
2. That Defendant has never and does not now reside in Mobile County, Alabama.
3. That Defendant does now, and has always resided in Daphne, Baldwin County, Alabama.
4. That the act or omission complained of in Plaintiff's complaint is alleged to have accrued or done in Baldwin County, Alabama and not within Mobile County, Alabama.
5. That it affirmatively appear from Plaintiff's complaint that the venue of the action is within Baldwin County, Alabama.

*Clyde E. Pendergrass*  
\_\_\_\_\_

STATE OF ALABAMA  
BALDWIN COUNTY

I, Wilson Hayes, a Notary Public in and for said State of Alabama at Large, personally appeared Clyde E. Pendergrass who being known to me and being sworn says that he has read the foregoing Plea in Abatement and the same is true and correct.

*Clyde E. Pendergrass*  
\_\_\_\_\_

Sworn to and subscribed before me on this the 24<sup>th</sup> day of May, 1966..

*Wilson Hayes*  
\_\_\_\_\_ Notary Public, State of Alabama at Large  
WAS FILED ON

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 24<sup>th</sup> day of May, 1966 served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, with first class postage prepaid.

MAY 25 9 23 AM '66

*Wilson Hayes*  
\_\_\_\_\_ CLERK



DONALD T. THRASH,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	MOBILE COUNTY, ALABAMA
VS.	)	
	)	AT LAW
CLYDE E. PENDERGRASS,	)	
Defendant.	)	CASE NO. 18,988 - <i>mc</i>

AMENDMENT TO COMPLAINT

Comes now the plaintiff by and through his attorneys, GAILLARD, WILKINS & SMITH, and respectfully amends his complaint heretofore filed in the above styled cause to read as follows:

Count I

The plaintiff claims of the defendant FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), for maliciously, and without probable cause therefor, causing the plaintiff to be arrested under a warrant issued by Perry G. McClelland, a Justice of the Peace, Precinct 4, Baldwin County, Alabama, on to-wit, the 8th day of March, 1966, on a charge of larceny, which charge, before the commencement of this action, has been judicially investigated, and said prosecution ended, and the plaintiff discharged, and as a direct and proximate result the plaintiff was caused to lose time from his work, to suffer great mental anguish, to be humiliated in front of his employer and fellow employees, to be greatly embarrassed, to suffer injury to his reputation, and the plaintiff also claims punitive damages.

Count II

The plaintiff claims of the defendant FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), for maliciously, and without probable cause therefor, causing the plaintiff to be arrested at or about Scott Paper Company's Mobile plant in Mobile County, Alabama,

under a warrant issued by Perry G. McClelland, a Justice of the Peace, Precinct 4, Baldwin County, Alabama, on to-wit, the 8th day of March, 1966, on a charge of larceny, which charge, before the commencement of this action, has been judicially investigated, and said prosecution ended, and the plaintiff discharged, and as a direct and proximate result the plaintiff was caused to lose time from his work, to suffer great mental anguish, to be humiliated in front of his employer and fellow employees, to be greatly embarrassed, to suffer injury to his reputation, and the plaintiff also claims punitive damages.

GAILLARD, WILKINS & SMITH  
Attorneys for Plaintiff

By W. O. Kirk, Jr.  
W. O. KIRK, JR.

The plaintiff demands a trial by jury.

GAILLARD, WILKINS & SMITH  
Attorneys for Plaintiff

By W. O. Kirk, Jr.  
W. O. KIRK, JR.

Defendant may be served at:

2316 Baldwin Drive  
Daphne, Alabama

Certificate of Service

I hereby certify that I have on this 25<sup>th</sup> day of May, 1966, served a copy of the above Amendment upon Hon. Wilson Hayes, attorney for the defendant, by mailing a copy of same to his last known address, first class postage prepaid.

W. O. Kirk, Jr.  
W. O. KIRK, JR.

STATE OF ALA. MOBILE CO.  
I CERTIFY THIS PLEADING  
WAS FILED ON

MAY 25 4 55 PM '66

J. R. Manswell  
CLERK

**THE STATE OF ALABAMA**  
MOBILE COUNTY



**CIRCUIT COURT**

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

CLYDE E. PENDERGRASS

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,  
at the place of holding the same, then and there to answer the complaint of \_\_\_\_\_

DONALD T. THRASH

WITNESS: John E. Mandeville, Clerk of said Court, this 25th day of May, 19 66

Attest: John E. Mandeville  
Clerk

**SHERIFF'S RETURN**

Received 30 day of May, 19 66 and on 8 Day  
of June, 19 66, I served a copy of  
the within Amended on \_\_\_\_\_

by service on Clyde E. Pendergrass

RAY D. BRIDGES, SHERIFF

By L. Smith D.S.

REC'D. SHERIFF DEPT.  
MOBILE COUNTY, ALA.

MAY 30 4 16 PM '66

BY \_\_\_\_\_

No. 18988

*Jm*

JUDGE McCall's DOCKET

CIVIL DIVISION

**CIRCUIT COURT**

MOBILE COUNTY

*[Signature]*

DONALD T. THRASH

VS. } AMENDED  
Complaint and Summons

*6-8  
Jm*

CLYDE E. PENDERGRASS

Issued 25th day of May, 1966

Defendant's Address  
2316 Baldwin Drive  
Daphne, Alabama

*Scott Paper Co.*

W. O. KIRK, JR.

Plaintiff's Attorney

COPIED  
NO 101 18  
EDMAN

DONALD T. THRASH  
PLAINTIFF  
VS  
CLYDE E. PENDERGRASS  
DEFENDANT

IN THE CIRCUIT COURT  
MOBILE COUNTY, ALABAMA  
AT LAW  
CASE # 18988 - *me*

.....  
PLEA IN ABATEMENT

Comes now Defendant specially and by his Attorney, Wilson Hayes and only for the purpose of making this, his plea in abatement, and says:

That Plaintiff ought not to have and maintained his said action against Defendant for that:

1. Defendant resides in Baldwin County, Alabama and maintains a permanent residence in the State of Alabama in Baldwin County, Alabama which is, to-wit 2316 Baldwin Drive, Daphne, Alabama, of which Plaintiff has full knowledge.
2. That Defendant has never and does not now reside in Mobile County, Alabama.
3. That Defendant does now, and has always resided in Daphne, Baldwin County, Alabama.
4. That the act or omission complained of in Plaintiff's complaint is alleged to have accrued or done in Baldwin County, Alabama and not within Mobile County, Alabama.
5. That it affirmatively appear from Plaintiff's complaint that the venue of the action is within Baldwin County, Alabama.

*Wilson Hayes*

STATE OF ALABAMA  
BALDWIN COUNTY

I, Wilson Hayes, a Notary Public in and for said State of Alabama at Large, personally appeared Clyde E. Pendergrass who being known to me and being sworn says that he has read the foregoing Plea in Abatement and the same is true and correct.

*Clyde Pendergrass*

Sworn to and subscribed before me on this the 26<sup>th</sup> day of May, 1966. STATE OF ALA. MOBILE CO I CERTIFY THIS PLEADING WAS FILED ON

*Wilson Hayes* JUN 9 10 32 AM '66  
Notary Public, State of Alabama, at Large

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 9<sup>th</sup> day of June 1966, received a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, with first class postage prepaid.

*Wilson Hayes*

*John M. ...*  
CLERK

DONALD T. THRASH, ) IN THE CIRCUIT COURT OF  
 Plaintiff, ) MOBILE COUNTY, ALABAMA  
 VS. )  
 ) AT LAW  
 CLYDE E. PENDERGRASS, )  
 Defendant. ) CASE NO. 18,988

DEMURRER OF THE PLAINTIFF DONALD T. THRASH TO THE  
 DEFENDANT'S PLEA IN ABATEMENT

Comes now the plaintiff, Donald T. Thrash, and demurs to the defendant's Plea in Abatement, and each ground thereof, separately and severally, and assigns the following grounds of demurrer, separately and severally:

(1) For aught that appears from the Plea in Abatement the action complained of was in part committed in Mobile County, Alabama.

(2) From aught appearing from the Plea in Abatement the plaintiff has a perfect right to maintain this action in Mobile County, Alabama.

(3) For aught that appears from the Plea in Abatement the place where the tort occurred was in part in Mobile County, Alabama.

GAILLARD, WILKINS & SMITH  
 Attorneys for the Plaintiff

By W. O. Kirk, Jr.  
 W. O. KIRK, JR.

Certificate of Service

I hereby certify that I have on this 10<sup>th</sup> day of JUNE, 1966, served a copy of the above Demurrer upon Hon. Wilson Hayes, attorney for the defendant, by mailing a copy of same to his last known address, first class postage prepaid.

W. O. Kirk, Jr.  
 W. O. KIRK, JR.

*Filed June 10, 1966  
 John E. Mandeville  
 Clerk*

DONALD T. THRASH, ) IN THE CIRCUIT COURT OF  
 Plaintiff, ) MOBILE COUNTY, ALABAMA  
 VS. )  
 ) AT LAW  
 CLYDE E. PENDERGRASS, )  
 Defendant. ) CASE NO. 18,988 - *mc*

PLAINTIFF'S REPLICATION TO  
 DEFENDANT'S PLEA IN ABATEMENT

Comes now the plaintiff, and for replication to the Plea in Abatement filed by the defendant to the complaint as last amended says as follows:

The plaintiff joins issue on said plea.

GAILLARD, WILKINS & SMITH  
 Attorneys for the Plaintiff

By W. O. Kirk, Jr.  
 W. O. KIRK, JR.

Certificate of Service

I hereby certify that I have on this 5<sup>th</sup> day of July, 1966, served a copy of the above Replication upon Hon. Wilson Hayes, *Bay Minette, Ala.* attorney for the defendant, by mailing a copy of same to his last known address, first class postage prepaid.

W. O. Kirk, Jr.  
 W. O. KIRK, JR.

STATE OF ALA. MOBILE CO.  
 I CERTIFY THIS PLEADING  
 WAS FILED ON

JUL 5 4 39 PM '66

*J. B. Marshall*  
 CLERK

DONALD T. THRASH	)	IN THE CIRCUIT COURT
	)	
PLAINTIFF	)	MOBILE COUNTY, ALABAMA
	)	
VS	)	AT LAW
	)	
CLYDE E. PENDERGRASS	)	CASE # 18988- <i>MC</i>
	)	
DEFENDANT	)	

STIPULATION OF FACTS FOR PLEA IN ABATEMENT

Come now Donald T. Thrash and Clyde E. Pendergrass, being all the parties in the above styled cause, by their Attorneys of record and, first having leave of the Court, file herein this, their agreed upon stipulation of fact for the purpose of submission on the Plea in Abatement heretofore filed by Defendant in this cause, and no other purpose.

I

Donald T. Thrash is a resident of Mobile County, Alabama.

II

Clyde E. Pendergrass is a resident of Baldwin County, Alabama.

III

The residence of both parties have not changed for more than two years next preceeding the filing of this cause.

IV

That Plaintiff caused Defendant to be arrested under a warrant issued by Perry G. McClelland, Justice of the Peace, Precinct 4, Baldwin County, Alabama on March 8, 1966 by making a complaint in Baldwin County, Alabama in the presence of Perry G. McClelland.

V

That Defendant was arrested under the warrant issued by Perry G. McClelland about May 8, 1966 in Mobile County, Alabama at Scott Paper Company's Mobile Plant.

The matter of facts stipulated herein are submitted solely for the purpose of trying the issue of venue presented by the Plea In Abatement, are not adducible into evidence except by proper and legal evidence and are not submitted by counsel for either party and will not be submitted by counsel of either party on a trial of the merits of the cause.



Respectfully submitted.

Gaillard, Wilkins & Smith  
Attorneys for Plaintiff

By: W. O. Kirk, Jr.  
William O. Kirk, Jr.

Hayes & Wilkins  
Attorneys for Defendant

By: Wilson Hayes  
Wilson Hayes

STATE OF ALA. MOBILE CO.  
I CERTIFY THIS PLEADING  
WAS FILED ON

SEP 22 10 11 AM '66

J. L. ...  
CLERK

HAYES & WILKINS  
ATTORNEYS  
BAY MINETTE, ALABAMA 36507

Wilson Hayes  
Taylor D. Wilkins, Jr.

P. O. Box 268  
937-5506

June 21, 1966

Honorable Daniel T. McCall, Jr., Judge  
13th Judicial Circuit  
Mobile County  
Mobile, Alabama

Dear Judge McCall:

I thought it necessary in the best interest of my client to submit to you the following proposition since you stated to Mr. Kirk and I that we were at liberty to submit to you any authority which we thought might be of help to our case.

The Alabama venue statute, Title 7 Section 54 of the Code of Alabama 1940 as recompiled in 1958 provides that, "Any personal action may be brought in the County of the Defendant's residence or the County in which the act or omission occurred." This gives a choice between the residence of the Defendant and the place of the injury.

The encyclopedia of American Jurisprudence, Volume 56 Section 15 and 134ALR753 provides, the general rule is that actions of false imprisonment or malicious prosecution do not come within the purview of statutes fixing venue in personal injury actions, upon the theory that such statutes are limited to physical or bodily injury cases.

I submit to your Honor that personal injury actions are part of "all other personal actions" and, therefore, the venue statute should not apply to malicious prosecution cases. The injury in a malicious prosecution case is not the arrest but the prosecution itself. The case having been prosecuted in Baldwin County should give this County jurisdiction.

Respectfully yours,

  
Taylor Wilkins, Jr.

TWJr./rkh

cc: Mr. W. O. Kirk

THURSDAY, SEPTEMBER 29, 1966

DONALD T. THRASH	)	JUDGMENT RENDERED FOR DEFENDANT
McCALL -vs- 18988	)	SUSTAINING HIS PLEA IN ABATE-
CLYDE E. PENDERGRASS	)	MENT, AND CASE TRANSFERRED TO
	)	BALDWIN COUNTY

This day in open Court came the parties by their attorneys, and plaintiff's Replication to defendant's Plea in Abatement filed July 5, 1966, in this cause, having heretofore been argued by counsel and submitted to the Court, together with all the other papers in this cause, and after consideration of the same by the Court, said Replication and Plea in Abatement being understood by the Court;

It is, therefore, ordered and adjudged by the Court that Defendant's Plea in Abatement be, and the same is hereby sustained, and case transferred to Baldwin County, Alabama.

Minute Book 34

Page 245

STATE OF ALABAMA, }  
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby  
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

as rendered by the said Circuit Court on the 29th day of September, 1966, in the cause  
entitled No. 18988 - McCALL

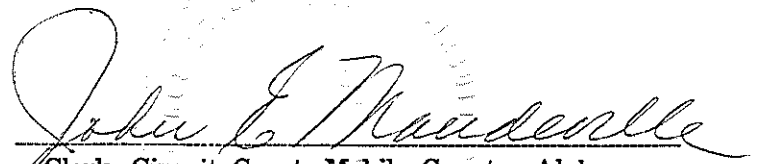
DONALD T. THRASH, Plaintiff,

— versus — CLYDE E. PENDERGRASS

Defendant, (~~Together with the cancellation thereof~~), as the same remains of record in this office in  
Minute Book No. 34, Page No. 245

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office  
in the City of Mobile, Alabama, on this the 24th day of October, 1966

ATTEST:

  
Clerk, Circuit Court, Mobile County, Alabama.

# CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

DONALD T. THRASH

Plaintiff

No. 18988

VS.

CLYDE E. PENDERGRASS

Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957  
Appvd. Sept. 20, 1957)  
(Amend Sec. 21, Title 11, Code Ala. 1940)

## BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)  
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES	Pltff.	Deft.	SHERIFF'S FEES	Pltff.	Deft.
Suits for \$100 or less ..... \$ 6.00			Serving Summons & Complaint (2) \$ 1.50	3 00	
Suits for over \$100 but less than \$1,000 ..... 10.00			Serving Writ of Garnishment ..... 1.50		
Suits for \$1,000 and over ..... 20.00	20 00		Serving Sci Fa.-Notices ..... 1.50		
Suits in detinue, ejectment, etc. .... 10.00			Levying Attachment & Return ..... 6.25		
Suits not otherwise provided ..... 10.00			Executing Writ Possession ..... 5.00		
Writs, Mandamus, Prohibition, etc. .... 15.00			Seizing personal property under Writ of Detinue ..... 6.00		
Appeals from Court General Sessions ..... 15.00			Serving subpoenas, each ..... .75		
Appeals from Probate Court ..... 20.00			Impanelling Jury ..... .75		
Appeals from JP Courts ..... 6.00			Taking & Approving Bond ..... 2.00		
Appeals from State Dept of Pub. Safety, and other State Agencies ..... 10.00			Collecting Costs Execution ..... 1.50		
Workmen's Compensation Settle. .... 10.00			Serving Contempt Writ ..... 1.50		
Garnishment on Judgment ..... 6.00			Making Deed for Property sold ..... 2.50		
Order of Sale, Motions to sell. .... 6.00			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$		
Recording executions from State Agencies ..... 3.00			\$		
Cert. Copy of Record - per 100 words ..... .15		80	Total ..... \$	3 00	
Taking Appeal Bond ..... .75			RECAPITULATION		
Record for Supreme Court etc., per 100 words ..... .15			Clerk ..... 20 00		80
Add'l Copies of Record for Supreme Court, per 100 words ..... .05			Sheriff ..... 3 00		
Checking - including Reporters Transcript of Evidence ..... 10.00			Inferior Civil Court .....		
Certifying Abstract in lieu of Transcript on Appeal ..... 5.00			Justice Peace fees .....		
Collecting Money on Judgments over 30 days old; ½ the percentage allowed Sheriffs ..... \$			Witness fees .....		
Total ..... \$	20 00	80	Commissioner's fees .....		
			Certificate of Judgment .....		
			Judgment .....		
			10% Damages .....		
			Interest .....		
			Stenographer's fees (\$10.00 Day) .....		
			Library fee ..... 1.50	1 50	
			Trial Tax (County) ..... 1.50	1 50	
			Trial Tax (State) ..... 1.50	1 50	
			Advertisement .....		
			Garnishee's fees .....		
			Total ..... \$	27.50	.80
				\$28.3 0	

I respectfully beg to advise that if this bill for costs is not paid before \_\_\_\_\_ 19\_\_\_\_\_, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk