

JOHN V. DUCK  
RICHARD C. LACEY  
ATTORNEYS AT LAW  
FAIRHOPE, ALABAMA

February 15, 1963

5424

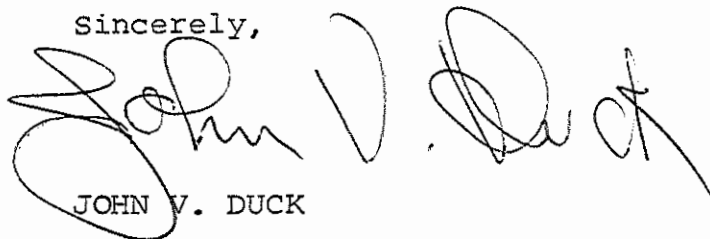
Mrs. Alice J. Duck, Clerk  
Circuit Court, Baldwin County  
Bay Minette, Alabama

Re: Providence Hospital v.  
Herbert L. Thomas

Dear Mrs. Duck:

Enclosed you will find demurrers in the above styled cause. Please send a copy to Mr. James A. Brice, Foley, Alabama.

Sincerely,

  
JOHN V. DUCK

JVD  
aj

Enclosures

JAMES A. BRICE

ATTORNEY AT LAW

FOLEY, ALABAMA

WHITEHALL 3-3601

P.O. Box 298

June 5, 1963

Mrs. Alice J. Duck  
Circuit Clerk  
Bay Minette, Alabama

Re: Providence Hospital  
Vs: Herbert Thomas  
At Law, No. 5424

Dear Mrs. Duck:

By agreement with Hon. John V. Duck, attorney for defendant, kindly ask Judge Hall to enter judgment for plaintiff for \$575.56 plus costs, with 90 day stay of execution.

Thank you.

Sincerely,



James A. Brice

cc: Hon. John V. Duck, Fairhope, Alabama

JAB:lgs

COMPLAINT

PROVIDENCE HOSPITAL )  
PLAINTIFF )  
VS )  
HERBERT L. THOMAS )  
DEFENDANT )

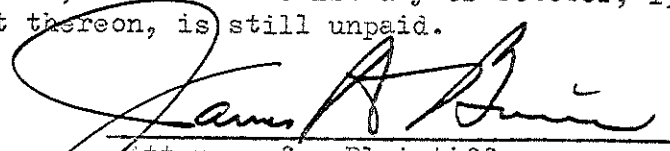
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

I

The Plaintiff claims of the defendant the sum of Five hundred seventy five and 56/100(\$575.56)Dollars, due from him on account, to-wit: the 1st day of October, 1962, which sum of money, with interest thereon, is still unpaid.

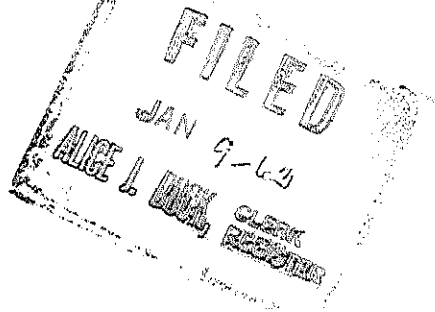
II

The Plaintiff claims of the defendant Five hundred seventy five and 56/100(\$575.56)Dollars, due from him for goods and services sold and done by the plaintiff to the defendant on, to-wit: the 1st day of October, 1962, which sum of money, with interest thereon, is still unpaid.

  
Attorney for Plaintiff

There is attached hereto as Exhibit "A" and made a part hereof an itemized statement of account verified by Sister Bernice, a competent witness, sworn to before a Notary Public, which statement shows the amount due on this account as of the 1st day of October, 1962.

The defendant resides at Magnolia Springs, Alabama, Rt. 1, Box 141 and is employed by Foley Tractor as a mechanic.



COUNTY OF Mobile

STATE OF Alabama

Be it remembered, that on this 10th. day of October  
A. D., 1962, personally appeared before me, the undersigned authority,  
Sister Bernice

who being duly sworn, upon his oath stated that he is business Manager known to me  
of Providence Hospital

{ a corporation organized and doing business under the laws of the State of Alabama  
{ and has been duly authorized by said corporation to make this affidavit  
{ a partnership composed of \_\_\_\_\_

a sole trader doing business as \_\_\_\_\_  
and that as such he makes this affidavit; that he is familiar with the books and business of  
said Providence Hospital  
Herbert L. Thomas of Route #1, Box 141, Foley, Ala.

is just and correct, within the knowledge of this affiant, that the items thereon stated and com-  
posing the said account were sold and delivered to said Herbert L. Thomas

at { its  
    their } special instance and request, that credit has been duly given for all payments and  
    his

just and lawful offsets to which said account is entitled as thereon stated, and that the balance  
thereof, amounting to the sum of Five-hundred seventy-five and 56/100 Dollars  
(\$ 575.56) with interest from \_\_\_\_\_ 19\_\_\_\_ is justly due and  
remains unpaid.

Sister Bernice X

I hereby certify under my official seal that I am authorized as a Notary Public to  
administer oaths under the laws of the State of Alabama  
and that the foregoing was subscribed and sworn to before me on the day and year  
first above stated.

Walter A. Abbott  
Notary Public

# PROVIDENCE HOSPITAL

1504 SPRINGHILL AVE.

MOBILE 17, ALA.

Accommodation No. 92895

Date October 1, 19 62

Mr. Herbert Lee Thomas

					Charges		Credits		Balance	
Daily Hospital Service										
Room	Days@ \$	From	To							
Semi 22	Days@ \$ 17.00	From 11/4/60	To 11/26/60		374	00				
Ward	Days@ \$	From	To							
Nursery	Days@ \$	From	To							
Dressings										
Intravenous Trays & Treatments					11	90				
Operating Room, Service & Supplies										
Anesthetic										
Routine Laboratory Fee					8	00				
Special Laboratory Fee					28	00				
Pharmacy					120	62				
X-ray					95	00				
Oxygen Therapy										
Physio-Therapy Treatment					49	00				
Basal Metabolism										
Electrocardiogram										
Delivery Room										
Blood										
Telephone Service					3	90				
Recording Fee					2	00				
KINDLY RETAIN THIS STATEMENT FOR TAX PURPOSES.					692	42	116	86	575	56
TOTAL										
PAYABLE WEEKLY IN ADVANCE IN FULL ON LEAVING										

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No.-----

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Herbert L. Thomas

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, State of Alabama, at Bay Minette, against-----

Herbert L. Thomas-----, Defendant-----

by-----Providence Hospital-----

-----, Plaintiff-----

Witness my hand this 9 day of June 1963

Miss J. M. Muck, Clerk

No. 54-9-4

Page \_\_\_\_\_

The State of Alabama

Baldwin County

CIRCUIT COURT

Providence Hospital

Plaintiffs

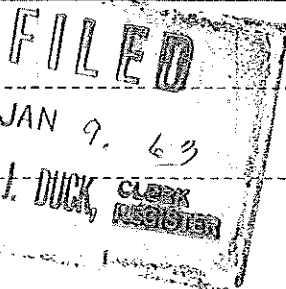
vs.

Herbert L. Thomas

Defendants

Summons and Complaint

Filed



19

Clerk

James A. Brice

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Rt. 1. Box 141, Foley, Alabama

Received In Office

January 9, 1963

, Sheriff

I have executed this summons

this Jan 15, 1963

by leaving a copy with

Herbert L. Thomas

Sheriff claims 7.2 miles at

Ten Cents per mile Total \$ 1.26

TAYLOR WILKINS, Sheriff

BY DEPUTY SHERIFF

Taylor Wilkins Sheriff

Deputy Sheriff

D. L. Wilkins

HERBERT L. THOMAS,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

CASE NO. 5424

D E M U R R E R

Comes now the Defendant in the above styled cause, and demurs to the Bill of Complaint filed herein and for grounds thereof, says, separately and severally:

ONE

That said Bill of Complaint fails to allege whether the Plaintiff is an individual, partnership or corporation.

TWO

That Count Two of said Bill of Complaint alleges said services were done at the request of the Defendant.

### THREE

That said Bill of Complaint fails to allege a cause of action.

Attorney for Defendant

FILED

SEE 26 6<sup>th</sup>

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08-22-2001 BY 60322 UCBAW



THE STATE OF ALABAMA,  
BALDWIN COUNTY

}

5424 1/2  
CIRCUIT COURT

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court in and for Baldwin County and State aforesaid PHYLLIS S. NESBIT attorney for PROVIDENCE HOSPITAL

who being duly sworn, on oath says, that a regular \_\_\_\_\_ Term

of the Circuit Court of Baldwin County, to-wit: on the \_\_\_\_\_ day of June

19 63, PROVIDENCE HOSPITAL

recovered a judgment against HERBERT L. THOMAS

\_\_\_\_\_ for the sum of

FIVE HUNDRED SEVENTY-FIVE AND 56/100 (\$575.56) Dollars

besides costs of suit; that said judgment remains <sup>partially</sup> ~~wholly~~ unsatisfied and in full force and effect: that

\$195.56 plus \$24.70 court costs and interest is still unpaid, that

FOLEY TRACTOR COMPANY is

supposed to be indebted to or have effects of the said HERBERT L. THOMAS

in its possession, or under its control, and that he believes process of

Garnishment against said FOLEY TRACTOR COMPANY

is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this 10

day of March A. D. 1966

Alice J. Duck  
Clerk

Phyllis S. Nesbit

State of Alabama

BALDWIN COUNTY

TO HERBERT L. THOMAS, Defendant:

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of

PROVIDENCE HOSPITAL, Plaintiff,

versus HERBERT L. THOMAS, Defendant,

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which

FOLEY TRACTOR COMPANY

has been named as Garnishee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 10

day of March, 1966.

EX-3-11-66

Clerk of the Circuit Court.

54 24 1/2

10 day of March 66  
11 day of March 66

Notie  
Herbert L Thomas

TAYLOR WILKINS  
*[Signature]*  
*[Signature]*

Sheriff claims 72  
Ten Cents per mile Total \$ 7.00  
TAYLOR WILKINS, Sheriff  
by *Chedress*  
DEPUTY SHERIFF

NOTICE  
TO DEFENDANT OF GARNISHMENT  
BY  
CLERK OF CIRCUIT COURT  
BALDWIN COUNTY, ALABAMA  
TO  
PROVIDENCE HOSPITAL

Plaintiff.....

VS.

HERBERT L. THOMAS

Rt. #1 - Box 141

Foley, Ala.

Defendant.....

NOTICE OF GARNISHMENT

The State of Alabama,

Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19.....

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular..... Term, 19....., of the Circuit Court of Baldwin County, to-wit: On the 5 day of June, 1963, being a regular day of said term, PROVIDENCE HOSPITAL

recovered judgment against HERBERT L. THOMAS

for the sum of FIVE HUNDRED SEVENTY-FIVE AND 56/100 Dollars, and cost of suit, and affidavit having been made by PHYLLIS S. NESBIT attorney for Providence Hosp. that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the following named persons or corporations, viz:

FOLEY TRACTOR COMPANY

has or is believed to have in its possession, or under its control money or effects belonging to said defendant..... or that it is, or is believed to be indebted to said defendant..... or to be liable to them, or to one of them on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

You Are Therefore Hereby Commanded to Summon FOLEY TRACTOR COMPANY

to be and appear before the honorable Judge of the Circuit Court for Baldwin County, at the Court House thereof, in the city of Bay Minette, on the.....Monday in..... A. D. 1966, then and there within the three first days of the term, to answer on oath, whether at the time of the service of the garnishment, or at the making its answer, or at any time intervening the time of serving the garnishment, and making the answer it was..... indebted to said defendant..... and whether.....will not be indebted in future to said defendant..... by a contract then existing, and whether by a contract then existing it is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether it has not in its possession or under its control money or effects belonging to the defendant.....HERBERT L. THOMAS

Herein fail not, and have you then and there this Writ.

Witness, ALICE J. DUCK, Clerk of said Court, this 10 day of Mar, A. D., 1966

Issued 10 day of Mar, A. D., 1966

ATTEST:

Alice J. Duck, Clerk.

10 day of March 1966  
11 day of March 1966  
of the within. Gaur.  
Toley tractor Co.

Don H. Hines  
Pres.  
TAYLOR WILKINS, Sheriff  
C. Johnson  
B. H. Hines

Sheriff claims 70  
Ten Cents 7.20  
TAYLOR  
C. Childers  
DEPUTY SHERIFF

CIRCUIT COURT, BALDWIN COUNTY

No. 54-24 1/2

VS. } GARNISHMENT ON JUDGMENT

Issued \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Returnable \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Attorney