

6205

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

CASE NO. 13704

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J.G. BENNETT WEATHERBY FURNITURE CO., INC., a Corporation Non-Jury

VS. Suit for \$1016.20 due by written contract (WAIVER)

MAYER W. PERLOFF JOHN DIXON Jury

GARNISHEE: Pape Television Company, Inc., a Corporation  
210 Government Street, Mobile, Alabama

\*\*\*\*\*

PLEADINGS, PROCESS, ETC.	* FILING DATE *	
*****	*****	*****
1.Complaint and Summons	* 8-31-64 *	* C & S served on Defendant on September 1, 1964.
2.Oath & Bond for Garn.	* 8-31-64 *	* Writ of Garnishment served on Pape Television Co., Inc., a Corp., on Sept. 1, 1964, by service on Mr. Joseph, Sec.-Tres.
3.Garnishment on Complaint & Summons	* 8-31-64 *	* Notice served on Defendant on September 1, 1964.
4.Notice to Defendant	* 8-31-64 *	* Plaintiff's motion filed September 16, 1964, for Court to transfer this cause to the Circuit Court of Baldwin County.
5.Plea in Abatement	* 9-9-64 *	* September 18, 1964 - Plea in Abatement sustained as to venue. 30/1064
6.Demand for Jury	* 9-9-64 *	* Plaintiff's motion filed September 16, 1964, refiled September 18, 1964, for Court to transfer cause to the Circuit Court of Baldwin County.
7.Motion	* 9-16-64 *	* September 18, 1964 - Motion granted. 30/1064
8.Motion filed 9-16-64, refiled	* 9-18-64 *	

351

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 18th day of September, 1964.

*John E. Mandeville*, Clerk.

FILED  
SEP 24 1964  
ALICE J. DUCK, CLERK REGISTER

1. Complaint and Summons and Sheriff's Return of Service

WEATHERBY FURNITURE CO., INC., ) IN THE CIRCUIT COURT  
a Corporation, )  
 ) OF  
PLAINTIFF, )  
 ) MOBILE COUNTY, ALABAMA  
Vs. )  
 ) AT LAW  
JOHN DIXON, )  
 ) Case No. 13704  
DEFENDANT. )

COUNT ONE

The Plaintiff claims of the Defendant the sum of \$1,016.00, balance due on written contract executed by the defendant on November 21, 1963 for various merchandise sold under said contract to the defendant by the plaintiff; to be paid in installments.

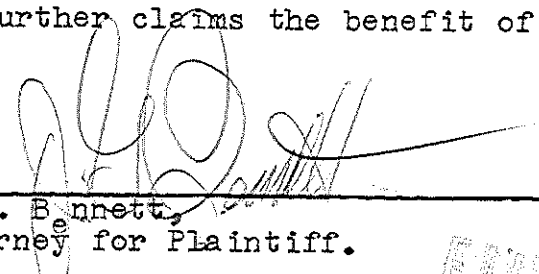
The plaintiff avers that said defendant has breached said contract by failure to pay and according to the terms thereof which specifically provide as follows:-

"Should the purchaser default in the payment of any installment of the purchase price, the Seller shall have the right to declare the full amount of the unpaid purchase price due and payable forthwith."

Plaintiff avers that it did exercise its said right and has declared the entire payment on the contract due and payable.

According to the terms of said contract, it was provided that in the event of failure to pay the amount due and if it became necessary to employ an attorney for the collection of same that the defendant would pay a reasonable attorney's fee. The plaintiff claims the said attorney's fee because it was necessary to employ the services of an attorney for enforce the plaintiff's rights under said contract.

Plaintiff further avers that in and by the terms of said contract, the defendant agreed to waive as to said indebtedness all claims of exemptions to personal property as provided by the Laws of the State of Alabama. Plaintiff further claims the benefit of said waiver in this action.

  
J. G. Bennett,  
Attorney for Plaintiff.

Defdt's Address:-

WALA-TV Broadcasting Co.,  
210 Government St.

FILED

SEP 24 1964

ALBAMA DEPT. OF REVENUE  
CLERK OF SUPERIOR COURT

7, filed August 31, 1964  
John E. Mandeville, Clerk

**THE STATE OF ALABAMA**  
MOBILE COUNTY

**CIRCUIT COURT**

To Any Sheriff of the State of Alabama:  
You are hereby commanded to summon

JOHN DIXON

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

WEATHERBY FURNITURE CO., INC., a Corporation

WITNESS: John E. Mandeville, Clerk of said Court, this 31st day of August, 19 64

Attest: John E. Mandeville  
Clerk

**SHERIFF'S RETURN**

Received 31 day of August, 1964 and on 1 Day  
of September, 1964, I served a copy of  
the within on

by service on John Dixon

RAY D. BRIDGES, SHERIFF

By Charles Williams D.S.

No. 13704

JUDGE Taylor DOCKET

CIVIL DIVISION

**CIRCUIT COURT**  
MOBILE COUNTY

WEATHERBY FURNITURE CO., INC.,  
a Corporation

VS.

Complaint and Summons

JOHN DIXON 12 ✓

RECEIVED

AUG 21 1964

CLERK'S OFFICE

Issued 31st day of August, 19 64

Defendant's Address

WALA-TV Broadcasting Co.  
210 Government Street

J. G. BENNETT

Plaintiff's Attorney

I. C. Civil-3M-10-57

# 13704

THE STATE OF ALABAMA,  
Mobile County

a Notary Public

Personally appeared before me, ~~XXXXXX~~ of Mobile,  
W. A. Noland, Mgr.,  
WEATHERBY FURNITURE CO., INC., a Corp., Who being duly sworn, depose and says that

JOHN DIXON is justly indebted to

WEATHERBY FURNITURE CO., INC., A Corporation  
in the sum of \$2476.00 dollars, which amount is  
justly due and unpaid; that PAPE TELEVISION COMPANY INC., A Corp.,  
210 Government St.

is supposed to be indebted to or have effects of the said JOHN DIXON in its  
possession, or under control, and that he believes process of garnishment is necessary

against said JOHN DIXON to obtain satisfaction of the claim.

Subscribed and sworn to before me, this  
the 31st day of August, 1964.

*John E. Manderville*  
~~XXXXXX~~  
NOTARY PUBLIC, MOBILE COUNTY, ALA.  
THE STATE OF ALABAMA,  
Mobile County  
*W. A. Noland*  
Affiant  
*Club Circuit Court*

Know All Men By These Presents: W. A. Noland, Mgr.,  
WEATHERBY FURNITURE CO., INC., As Sureties  
That we a Corp., as Principal, and  
of said County, are held and firmly bound unto JOHN DIXON  
in the sum of \$4,952.00 Dollars, to be paid to the said  
JOHN DIXON, his

certain attorneys, executors, administrators or assigns for which payment, well and truly to be made;  
we bind ourselves, our heirs, executors; administrators or assigns, jointly and severally, firmly by these  
presents.

Sealed with our seals and dated the 31st. day of August, 1964.

The condition of the above obligation is such that, whereas, the above bounden  
WEATHERBY FURNITURE CO., INC.,  
a Corporation, the day of the date hereof pray a Garnishment, at the  
suit of WEATHERBY FURNITURE CO. INC.,  
A Corporation against the above named

JOHN DIXON in the sum of Dollars,  
and obtained the same, returnable to the ~~XXXXXX~~ of Mobile, on the within 30 days  
of after service on the Garnishee, 1964, at o'clock M.

WEATHERBY FURNITURE CO., INC.,  
Now, if the said A Corporation shall prosecute this Garnishment to effect  
and pay the said JOHN DIXON all such damages as he may sustain by the  
wrongful or vexations suing out of the same, then the above obligations to be void, otherwise to remain  
in full force and effect. WEATHERBY FURNITURE CO., INC., A Corp.

By: *W. A. Noland* (L. S.)

*M. E. [Signature]* (L. S.)

*[Signature]* (L. S.)

Approved the 31 day of August, 1964

Filed August 31, 1964  
John E. Manderville, Clerk

354 *Club Circuit Court*  
Ex-Officio Clerk of the Inferior Civil Court of Mobile County

Atty. for Plt.

J. G. Bennett

Atty. for Deft

~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~ COURT OF MOBILE  
~~CIRCUIT~~

No. ....

Ret. ...., 195.....

OATH and BOND and GARNISHMENT

WEATHERBY FURNITURE CO., INC.,  
A Corporation

Plaintiff

VS.

JOHN DIXON

Defendant

PAPEX TELEVISION COMPANY INC., A Corp.,  
210 Government St.

Garnishee

Case Continued to:

2

## 3. Writ of Garnishment on Complaint and Summons and Sheriff's Return of Service

**THE STATE OF ALABAMA,**  
**MOBILE COUNTY**

CIRCUIT COURT, MOBILE COUNTY.

TO ANY SHERIFF OF SAID STATE—GREETINGS:

WEATHERBY FURNITURE CO., INC.,  
a Corporation

PLAINTIFF,

VS.

JOHN DIXON

DEFENDANT.

WHEREAS, on the 31st day of August, 19 64the Plaintiff filed a complaint in the Circuit Court of Mobile County, claiming of the Defendant the sum of ONE THOUSAND SIXTEEN AND 20/100 (\$1,016.20) - - - - - Dollars,on which a summons has issued, and WEATHERBY FURNITURE CO., INC., a Corporation  
having made and affidavit that PAPE TELEVISION COMPANY, INC.,  
A Corp.is supposed to be indebted to or has in its possession, or under its control, goods, effects, or things in action, belonging to said Defendant, and that they believe process of garnishment against said PAPE TELEVISION COMPANY INC., a Corp.

is necessary to obtain satisfaction of said claim.

You are therefore hereby commanded to summon the said

PAPE TELEVISION COMPANY, INC., a Corp.too be and appear before the Honorable the Circuit Court for Mobile County, at the Courthouse thereof, in the city of Mobile, within thirty days from service of this process, then and there, to answer on oath, whether it is indebted to the above named defendant, at the time of the service of the Garnishment in the foregoing stated cause, or at the time of making its answer thereto, and in what sum or sums; and whether it will not be indebted in future to the said defendant by a contract then existing or at the time of service of this summons; and whether it has not in its possession, or under its control, personal or real property, or things in action belonging to the said JOHN DIXON

HEREIN FAIL NOT, and have you then and there this Writ.

JOHN E. MANDEVILLE

WITNESS: ~~XXXXX~~ JOHN E. MANDEVILLE, Clerk of the said Court, this 31st day of August, A. D. 19 64Issued the 31st day of August, 19 64

Attest:

John E. Mandeville

Clerk

PLEASE ANSWER IN DUPLICATE.

*We* Circuit Court, Mobile County

*13704*  
No. 13704 - *7*

WEATHERBY FURNITURE CO., INC.,  
A Corporation

VS. { GARNISHMENT ON COMPLAINT  
AND SUMMONS.

JOHN DIXON *JD*

Issued 31st day of August 19 64

GARNISHEE: *15* *Mr. Joseph*  
PAPE TELEVISION COMPANY INC.,  
a Corp.  
210 Government Street  
Mobile, Alabama

J. G. BENNETT

Plaintiff's Attorney.

RECEIVED

AUG 31 1964

CLERK'S OFFICE

Received

and on

I served

on

by service on

*Mr. Joseph*

RAY D. BENNETT, JR.

By *C. Miller*

19 *64*

16 *64*

*31*

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.. Notice to Defendant and Sheriff's Return of Service

C. C. Law 15-1M-7-56

WEATHERBY FURNITURE CO., INC.,  
a Corporation Plaintiff

VS.

JOHN DIXON

Defendant

**CIRCUIT COURT**  
MOBILE COUNTY

To JOHN DIXON

Defendant

You will please take notice that garnishment was issued in the above entitled cause  
against PAPE TELEVISION COMPANY, INC., a Corp.

on the 31st day of August 19 64, returnable to the present term of the Circuit  
Court of Mobile County, Alabama, within thirty days from date of service of process on said Garnishees.

WITNESS, JOHN E. MANDEVILLE, Clerk of said Court, this 31st day of August 19 64

John E. Mandeville, Clerk

W/c  
No. 13704

**Circuit Court, Mobile County**

**WEATHERBY FURNITURE CO., CO.,  
A Corp. VS.**

**JOHN DIXON**

**Notice to Defendant of  
ISSUANCE OF GARNISHMENT**

Issued the 31st day of

August, 1964

SERVE DEFENDANT:  
c/o WALA-TV Broadcasting Co.  
210 Government Street  
Mobile, Alabama

**EXECUTED**

This 1 day of Sept., 1964

by serving a copy of the within on

John Dixon  
JAN D. DIXON, Sheriff

By E. D. Miller D.S.

5. Plea in Abatement

WEATHERBY FURNITURE CO., ( IN THE CIRCUIT COURT OF  
INC., a corporation, ( MOBILE COUNTY, ALABAMA,  
Plaintiff, ( AT LAW  
vs. (   
JOHN DIXON, (   
Defendant. ( CASE NO. 13,704 -J

PLEA IN ABATEMENT

Comes now the Defendant, JOHN DIXON, in the above styled cause, and appearing specially and solely for the purpose of filing the following separate and several pleas in abatement, and for no other purpose, pleading in abatement, said defendant assigns the following, separately and severally:

1. This Court has no jurisdiction on the alleged cause of action made the basis of this complaint.
2. This Court has no jurisdiction.
3. The Court has no jurisdiction for that the defendant is a bona fide resident of the City of Daphne, Baldwin County, Alabama, and is not a resident citizen of the City and County of Mobile, Alabama.

WHEREFORE, your Petitioner prays that this cause of action be abated as this Honorable Court has no jurisdiction to hear and determine the matter because it lacks the requisite jurisdiction.

JOHN DIXON

STATE OF ALABAMA)  
COUNTY OF MOBILE)

Before me, the undersigned notary public in and for said county in said state, personally appeared JOHN DIXON, who is known to me, who, first being duly sworn on oath deposes and says: My name is JOHN DIXON, and I am the defendant in the above captioned cause. I have read the facts set out in the plea in abatement and the same are true and correct.

Subscribed and sworn to before me on this 9 day of Sept, 1964.

NOTARY PUBLIC

MAYER W. PERLOFF,  
Attorney for Defendant

6. Demand for Jury

WEATHERBY FURNITURE CO.,  
INC., a corporation,

Plaintiff,

vs.

JOHN DIXON,

Defendant.

( IN THE CIRCUIT COURT OF

( MOBILE COUNTY, ALABAMA,

( AT LAW

(

(

CASE NO. 13,704

Defendant respectfully requests a trial by jury in  
the above captioned cause.

*Mayer W. Perloff*

MAYER W. PERLOFF,  
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 9  
day of Sept, 1964, 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, and  
first class postage prepaid.

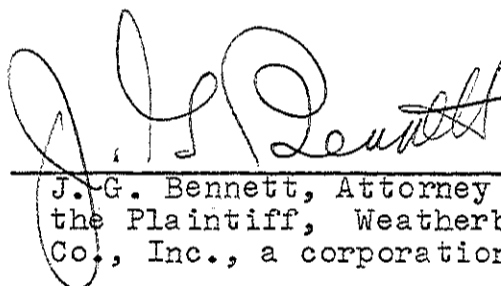
*Filed September 9, 1964*  
*John E. Mandeville, Clerk*

7. Motion

WEATHERBY FURNITURE CO., INC., )	IN THE CIRCUIT COURT
a Corporation, )	
PLAINTIFF, )	OF
VS. )	MOBILE COUNTY, ALABAMA
JOHN DIXON, )	AT LAW
DEFENDANT. )	<u>Case No. 13,704 - 1</u>

ANSWER TO DEFENDANT'S PLEA IN ABATEMENT:-

Now comes Weatherby Furniture Co., Inc., a corporation, and moves this Honorable Court to transfer the said cause from this Honorable Court to the Circuit Court of Baldwin County, Alabama, At Law, in accordance with Title 7 of Code of Alabama, Section 64 (1) Pocket Parts.

  
J. G. Bennett, Attorney for  
the Plaintiff, Weatherby Furniture  
Co., Inc., a corporation

I do hereby certify that I have on this 15th. day of September 1964, served a copy of the foregoing pleading on counsel for the Defendant by mail/<sup>ing</sup> the same by United States mail, properly addressed, and first class postage prepaid, to his office in the Van Antwerp Building, Mobile, Alabama.

  
J. G. Bennett

*Filed September 16, 1964*  
*John E. Mandeville, Clerk*  
*Refiled Sept 18, 1964*  
*John E. Mandeville, Clerk*

PLEA IN ABATEMENT SUSTAINED  
AS TO VENUE

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed September 9, 1964, coming on to be heard and being argued by counsel, and understood by the Court, the same is hereby sustained as to venue.

It is, therefore, ordered and adjudged by the Court that the Defendant go hence without day, and have and recover of the plaintiff all court costs in this cause created, for the recovery of which, let execution issue.

Minute Book 30

Page 1064

FRIDAY, SEPTEMBER 18, 1964

WEATHERBY FURNITURE CO., INC.,	)	PLAINTIFF'S MOTION FILED
a Corp.	)	SEPTEMBER 16, 1964, REFILED
	)	SEPTEMBER 18, 1964, FOR
TAYLOR	)	COURT TO TRANSFER CAUSE TO
-vs-	)	THE CIRCUIT COURT OF BALDWIN
13704	)	COUNTY - MOTION GRANTED
	)	
JOHN DIXON	)	
PAPE TELEVISION COMPANY, INC. -	)	
Garnishee	)	

This day in open Court came the parties by their attorneys, and plaintiff's motion filed September 16, 1964, refiled September 18, 1964, for Court to transfer this cause to the Circuit Court of Baldwin County, coming on to be heard and being argued by counsel and understood by the Court;

It is ordered and adjudged by the Court that the plaintiff's said motion filed September 16, 1964, refiled September 18, 1964, for Court to transfer cause to the Circuit Court of Baldwin County, be, and the same is hereby granted, case to be transferred in toto pursuant to Act of Alabama, No. 64-1, Special Session of the State Legislature of 1961.

Minute Book 30

Page 1064

PAPE TELEVISION COMPANY, Inc.

MOBILE, ALABAMA

WALA-TV

AFFILIATED WITH RADIO STATION WALA

Honorable John Mandeville  
Clerk of Circuit Court  
Mobile County Courthouse  
Mobile, Alabama

Re: Weatherby Furniture Co., Inc.  
vs. John Dixon  
Case #13704 *Saylor*

Dear Mr. Mandeville:

This is to certify that John Dixon  
is employed at this time by Pape Television Company, Inc.  
and the above garnishee will be honored.

Yours truly,

*H. Ray McGuire*  
H. Ray McGuire,  
V. P. & General Manager

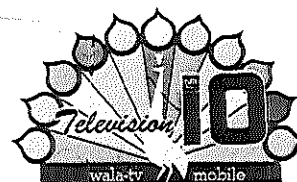
Witness my hand this the 21st day of September 1964.

*William T. Joseph*  
W. E. Joseph  
Notary Public, State of Alabama  
Mobile County  
Commission Expires: March 4, 1968

FILED  
SEP. 24 1964  
ALICE J. DICK, CLERK  
REGISTER

362

316,000 WATTS ON CHANNEL 10



NB

9-22-64

C. C. LAW 34-5M-3-64

Baldwin County

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 13704 Weatherby Furniture Co., Inc. Plaintiff  
John Dixon VS. 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 \$ 1.50	150	
Suits for over \$100 but less than \$1,000 10.00			Serving Writ of Garnishment 1.50	150	
Suits for \$1,000 and over 20.00	20.00		Serving Sci Fa.-Notices 1.50	150	
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			Total \$ 450		
Taking Appeal Bond .75					
Record for Supreme Court etc., per 100 words .15			RECAPITULATION		
Add'l Copies of Record for Supreme Court, per 100 words .05			Clerk 20.00		
Checking - including Reporters Transcript of Evidence 10.00			Sheriff 4.50		
Certifying Abstract in lieu of Transcript on Appeal 5.00			Inferior Civil Court		
Collecting Money on Judgments over 30 days old; 1/2 the percentage allowed Sheriffs \$			Justice Peace fees		
			Witness fees		
			Commissioner's fees		
			Certificate of Judgment		
			Judgment		
			10% Damages		
			Interest		
			Stenographer's fees (\$10.00 Day)		
			Library fee 1.50	150	
			Trial Tax (County) 1.50	150	
			Trial Tax (State) 1.50	150	
			Advertisement		
			Garnishee's fees		
Total \$ 20.00	20.00				

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

29.00

**E. G. RICKARBY**

392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA 36532

September 23, 1964

Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: WEATHERBY FURNITURE CO., INC.  
Vs: JOHN DIXON  
Our File: 64-270

Here is that appearance I was speaking to you about.

There was a garnishment filed with the summons and complaint in this case which was transferred in these proceedings, and I request that you notify the garnishee when the case has been transferred so that he may file his answer in your court.

Yours very truly,



EGR/ts

Encl.

ccs: Mr. Perloff  
Mr. Bennett

**E. G. RICKARBY**

392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA 36532

September 23, 1964

Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: WEATHERBY FURNITURE CO., INC.  
Vs: JOHN DIXON  
Our File: 64-270

Here is that appearance I was speaking to you about.

There was a garnishment filed with the summons and complaint in this case which was transferred in these proceedings, and I request that you notify the garnishee when the case has been transferred so that he may file his answer in your court.

Yours very truly,



EGR/ts

Encl.

ccs: Mr. Perloff  
Mr. Bennett

**E. G. RICKARBY**

392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA 36532

September 23, 1964

Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: WEATHERBY FURNITURE CO., INC.  
Vs: JOHN DIXON  
Our File: 64-270

Here is that appearance I was speaking to you about.

There was a garnishment filed with the summons and complaint in this case which was transferred in these proceedings, and I request that you notify the garnishee when the case has been transferred so that he may file his answer in your court.

Yours very truly,



EGR/ts

Encl.

ccs: Mr. Perloff  
Mr. Bennett

WEATHERBY FURNITURE CO.,  
INC., a corporation,

Plaintiff,

vs.

JOHN DIXON,

Defendant.

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Q

Q

Q

Q

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

CASE NO. 13,704

Comes E. G. RICKARBY and appears as attorney for the Plaintiff, WEATHERBY FURNITURE CO., INC., a corporation, with J. G. BENNETT, and shows that this case was ordered to be transferred from the Circuit Court of Mobile County, Alabama, to the Circuit Court of Baldwin County, Alabama, in accordance with Section 64, Part 1, of Title 7, Pocket Parts of the Code of Alabama, and requests that all notices in said cause be sent to him as counsel for the Plaintiff, WEATHERBY FURNITURE CO., INC., a corporation.

---

E. G. RICKARBY, of Counsel  
for Plaintiff.

I hereby certify that I have on this day served a copy of the foregoing pleading on Mayer W. Perloff, Esquire, Attorney for Defendant, and J. G. Bennett, Esquire, of Counsel for the Plaintiff, by mailing the same by United States mail, postage prepaid, to Mr. Perloff's office in the Van Antwerp Building, Mobile, Alabama, and Mr. Bennett's office, Post Office Box 4154, Mobile, Alabama.

Done this the \_\_\_\_\_ day of September, 1964.

---

E. G. RICKARBY, of Counsel,  
for Plaintiff.

FILED

SEP 25 1964

ALICE L. DUCK, CLERK  
REGISTER

**E. G. RICKARBY**

392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA 36532

November 5, 1964

Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

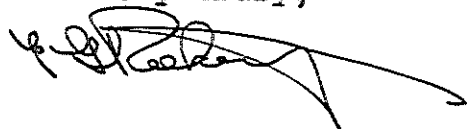
Mr. Johnny Mandeville  
Clerk of the Circuit Court  
Mobile, Alabama

Dear Mrs. Duck:

Inre: Weatherby Furniture Co., Inc.  
Vs: John Dixon  
64-270

Request this case be dismissed on motion of  
~~Plaintiff~~  
Plaintiff and garnishee released as it is  
settled between parties, and advise costs  
so Plaintiff can pay them.

Yours very truly,



EGR/jlb  
11-16-64

cc: Pape Television Co.  
cc: Ernest M. Bailey  
cc: J. G. Bennett

WEATHERBY FURNITURE CO.,  
INC., a corporation,

Plaintiff,

vs.

JOHN DIXON,

Defendant.

Q

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Q

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

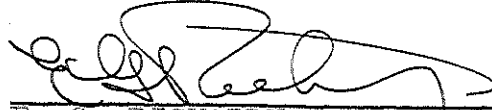
CASE NO. 13,704

Comes E. G. RICKARBY and appears as attorney for the Plaintiff, WEATHERBY FURNITURE CO., INC., a corporation, with J. G. BENNETT, and shows that this case was ordered to be transferred from the Circuit Court of Mobile County, Alabama, to the Circuit Court of Baldwin County, Alabama, in accordance with Section 64, Part 1, of Title 7, Pocket Parts of the Code of Alabama, and requests that all notices in said cause be sent to him as counsel for the Plaintiff, WEATHERBY FURNITURE CO., INC., a corporation.

  
E. G. RICKARBY, of Counsel  
for Plaintiff.

I hereby certify that I have on this day served a copy of the foregoing pleading on Mayer W. Perloff, Esquire, Attorney for Defendant, and J. G. Bennett, Esquire, of Counsel for the Plaintiff, by mailing the same by United States mail, postage prepaid, to Mr. Perloff's office in the Van Antwerp Building, Mobile, Alabama, and Mr. Bennett's office, a Post Office Box 4154, Mobile, Alabama.

Done this the 23<sup>rd</sup> day of September, 1964.

  
E. G. RICKARBY, of Counsel,  
for Plaintiff.

FILED

SEP. 25 1964

ALICE L. DUCK, CLERK  
REGISTER

WEATHERBY FURNITURE CO.,  
INC., a corporation,

Plaintiff,

vs.

JOHN DIXON,

( IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA,

( AT LAW

( CASE NO. 13,704

Comes now the Defendant in the above captioned cause  
and for answer to the bill of complaint and to each and  
every count thereof, separately and severally, says as  
follows:

1. Not guilty.
2. Not indebted as alleged.
3. The allegations of the complaint are untrue.

*Mayer W. Perloff*

MAYER W. PERLOFF,  
Attorney for Defendant

Defendant respectfully demands a trial by jury in  
this cause.

*Mayer W. Perloff*

**FILED**  
OCT 2 1964  
AUGIE L. DUCK, CLERK  
REGISTER

**CERTIFICATE OF SERVICE**  
I do hereby certify that I have on this 30  
day of September, 1964, 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, and  
first class postage prepaid.  
*Mayer W. Perloff*

## RELEASE OF GARNISHMENT

CIRCUIT

Court of

BALDWIN

County, Alabama

RE:

WEATHERBY FURNITURE COMPANY, INC., A Corp.

vs.

Plaintiff.

JOHN DIXON

Defendant.

To: Pape Television Company, Inc., a Corp.

GARNISHEE

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that in the above styled case, Garnishment has been released and Garnishee has been discharged.

Witness my hand, this the 5th day of November, 1964

365

Alice J. Duck CLERK.

THE STATE OF ALABAMA BALDWIN CountyCIRCUIT COURT

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon TOM HALE, individually and  
doing business as BOWLERAMAto appear before the Circuit Court of BALDWIN County, Alabama, at the place  
of holding the same and plead, answer or demur within thirty days from service hereof to the complaint  
of SOUTHERN BELL TELEPHONE and TELEGRAPH COMPANY, a corporationWitness, my hand this 24 day of September 19 64Alice J. Duck Clerk.IF THE DEFENDANT FAILS TO APPEAR AND PLEAD, ANSWER OR DEMUR WITHIN THIRTY  
DAYS AFTER SERVICE THE PLAINTIFF MAY TAKE JUDGMENT BY DEFAULT.

## COMPLAINT

SOUTHERN BELL TELEPHONE &  
TELEGRAPH COMPANY, a corp-  
oration

Plaintiff

VS.

TOM HALE, ind. & d/b/aBOWLERAMA

Defendant

The Plaintiff claim of the Defendant the sum of NINTY NINE &  
83/100ths (\$99.83)

Dollars, due

from him by account, on, to-wit, August 5, 1964, which sum of money,  
with interest thereon, is still unpaid. An itemized Statement of  
the account sued on, verified by affidavit of a competent witness,  
is attached hereto and made a part hereof.MORTIMER P. AMES  
COUNSEL FOR PLAINTIFF.MORTIMER P. AMES  
Attorney at Law  
Selma, AlabamaFILED  
SEP 23 1964  
ALICE J. DUCK, CLERK  
REGISTEREX. 9-25-64

Received 23 day of Sept 1964  
d on 25 day of Sept 1964  
served a copy of the within R & C  
Tom Hale  
service on Tom Hale

TAYLOR WILKINS, Sheriff  
By Randall Del  
Scrub for Ala.

Sheriff claims 70 miles at  
Ten Cents per mile Total \$ 7.00  
TAYLOR WILKINS, Sheriff  
BY Randall  
DEPUTY SHERIFF

No. 6199  
THE STATE OF ALABAMA  
BALDWIN COUNTY  
CIRCUIT COURT

SO. BELL TEL. & TEL. CO.,  
a corp.

vs. Plaintiff  
TOM HALE, ind. & d/b/a  
BOWLERAMA  
Defendant

Summons and General Complaint

Filed this 7<sup>th</sup> day of  
SEPTEMBER, 19 64  
W. J. Ames  
Clerk  
M. P. AMES  
Plaintiff's Attorney

Neft's address  
40 Bowling Center  
Fairhope, Ala

Received this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_\_  
Sheriff  
Executed this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_\_  
by leaving a copy of the within Summons and  
Complaint with \_\_\_\_\_  
Defendant  
Sheriff

THE STATE OF ALABAMA  
COUNTY  
To the Sheriff of \_\_\_\_\_ County:  
Whereas, the Plaintiff \_\_\_\_\_ in the within stated  
cause ha \_\_\_\_\_ made affidavit and given bond as  
required by law, you are hereby required to take  
the property mentioned in the Complaint into  
your possession, unless the Defendant \_\_\_\_\_ give  
\_\_\_\_\_ bond payable to the Plaintiff \_\_\_\_\_ with suf-  
ficient surety in double the amount of the value  
of the property, with condition that if the de-  
fendant \_\_\_\_\_  
cost in the suit \_\_\_\_\_  
within thirty days thereafter, deliver the property  
to the plaintiff \_\_\_\_\_ and pay all costs and damages  
which may accrue from the detention thereof.

Clerk