

CASE NO. 13946


Non-Jury

AUBREY E. JACKSON

30-1316

John E. Manderville, Clerk.

VOL 65 PAGE 60



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82298

#1 - COMPLAINT AND SUMMONS

GENERAL ELECTRIC CREDIT (IN THE CIRCUIT COURT OF
CORPORATION, a corporation, (MOBILE COUNTY, ALABAMA,
Plaintiff, (
vs. (AT LAW
AUBREY E. JACKSON (
Defendant. (CASE NO. 13946 - G. H. Hender

Plaintiff claims of the defendant the sum of EIGHT HUNDRED SEVENTY & 09/100 (\$870.09) DOLLARS, for that heretofore, on to-wit: March 3, 1964, the defendant executed a written contract wherein the defendant agreed to pay General Electric Credit Corporation the sum of \$721.08, in installments of \$20.03, per month, including interest, commencing on the to-wit: May 5, 1964, and pursuant to the terms of said contract the plaintiff herein has declared the entire balance due and owing.

Plaintiff avers that by the terms of said promissory note the defendant waived all right or claim of exemption under the Constitution and Laws of the State of Alabama, and agreed to pay a reasonable attorney's fee in the event employment of an attorney was necessary for the collection, which said attorney's fee plaintiff claims in the amount of \$145.01, which is 20% of \$725.08,

WHEREFORE, Plaintiff claims of the defendant \$725.08, plus interest, plus attorney's fee, as aforesaid.

MAYER W. PERLOFF
JOHN W. COLEMAN

BY: Mayer W. Perloff

Attorneys for Plaintiff

Defendant may be served:

his employment: Grady Buick Co.
St. Louis Street, Mobile, Alabama
Mechanic - Service Dept.

Filed September 29, 1964

John C. Mandeville, Clerk

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

AUBREY E. JACKSON

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

GENERAL ELECTRIC CREDIT CORPORATION, a corporation

WITNESS: John E. Mandeville, Clerk of said Court, this 29th day of September, 19 64

Attest:

John E. Mandeville

Clerk

SHERIFF'S RETURN

Received 30th day of Sept., 19 64 and on 1st Day
of Oct., 19 64, I served a copy of
the within C.P. on

by service on

Aubrey E. Jackson

RAY D. BRIDGES, SHERIFF

EX-101

68

EX-102

C. J. Fitzgerald

D.S.

set
No. 13946

JUDGE *Hickler*

DOCKET

EP
CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

GENERAL ELECTRIC CREDIT CORPORAT.
a corporation

VS. }

Complaint and Summons

AUBREY E. JACKSON *set*

Issued 29th day of September, 19 64

Defendant's Address

c/o Grady Buick Co.
St. Louis Street, Mobile, Alabama
Mechanic - Service Department

RECEIVED

SEP 30 1964

SHERIFF'S OFFICE

MAYER W. PERLOFF

JOHN W. COLEMAN

Plaintiff's Attorney

#2 - PLEA IN ABATEMENT

GENERAL ELECTRIC CREDIT	X	
CORPORATION, A Corporation,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
	X	MOBILE COUNTY, ALABAMA
vs.	X	
	X	AT LAW
AUBREY E. JACKSON,	X	NO. 13946
	X	
Defendant.	X	

PLEA IN ABATEMENT

Comes now the Defendant in the above styled cause, appearing specially and only for the purpose of filing this plea in abatement and for no other object or purpose, and files this his plea in abatement to the Complaint heretofore filed by the Plaintiff and alleges the following in support thereof:

That the Defendant is a resident citizen of Baldwin County, Alabama, and that his permanent residence is in Bay Minette, Baldwin County, Alabama, and was his permanent residence both at the time of the alleged execution of the contract referred to in the Complaint and at the time of the filing of this suit and service of the same upon the Defendant, wherefore, the Defendant says that the Circuit Court of Mobile County, Alabama, is without jurisdiction in the premises.


Aubrey E. Jackson

OF COUNSEL:
CHASON, STONE & CHASON
BAY MINETTE, ALABAMA

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Aubrey E. Jackson, the Defendant in the above styled cause, and after being by me first duly and legally sworn did depose and say as follows:

That his name is Aubrey E. Jackson and he is one and the same person as the Defendant named in the above styled cause.

That he has read the foregoing plea in abatement and that the allegations thereof are true and correct.

Aubrey E. Jackson
Aubrey E. Jackson

Sworn to and subscribed
before me this 14th day
of October, 1964.

John Earle Chason
Notary Public, Baldwin County, Alabama

We hereby certify that we have this day mailed a copy of
this plea to Meyer W. Perloff, Counsel for the Plaintiff.

This 14th day of October, 1964.

CHASON, STONE & CHASON

By: John Earle Chason

*Filed October 16, 1964
John E. Mandeville, Clerk*

FRIDAY, NOVEMBER 6, 1964

GENERAL ELECTRIC CREDIT CORPORATION, a Corporation	)	PLEA IN ABATEMENT OF THE
	)	DEFENDANT CONFESSED BY THE
	)	PLAINTIFF AND SUSTAINED BY
HOCKLANDER -vs- 13946	)	THE COURT, AND IT IS, THERE-
	)	FORE, ORDERED BY THE COURT
	)	THAT THIS CAUSE AND ALL
AUBREY E. JACKSON	)	PAPERS FILED THEREIN ARE
	)	HEREBY ORDERED TRANSFERRED
	)	TO THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA

This day in open Court came the parties by their attorneys, and plaintiff confessing the defendant's Plea in Abatement in this cause; It is ordered and adjudged by the Court that said Plea in Abatement be, and the same is hereby sustained, and it is further ordered by the Court that this cause and all papers filed therein are hereby ordered transferred to the Circuit Court of Baldwin County, Alabama.

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.

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C. C. LAW 34-SM-3-64

Circuit Court
Baldwin County

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 13946 General Electric Corp. Plaintiff
Aubrey E. Jackson 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)

[illegible]

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

GENERAL ELECTRIC CREDIT CORPORATION, a corporation,	(	IN THE CIRCUIT COURT OF
Plaintiff,	(	BALDWIN COUNTY, ALABAMA,
vs.	(	AT LAW
AUBREY E. JACKSON,	(
Defendant.	(	CASE NO. 6298

Comes now the Plaintiff in the above styled cause and amends its bill of complaint heretofore filed to read as follows:

Plaintiff claims of the defendant the sum of Eight Hundred Seventy & 09/100 (\$870.09) Dollars, damages for the breach of a covenant entered into by him on the to-wit: 3d day of March, 1964, in substance as follows: The defendant agreed to purchase from Hamm's TV & Appliance one (1) G.E. color television for a total time price of \$721.08, payable in thirty-six (36) consecutive monthly installments commencing on the to-wit: 5th day of May, 1964, and the same day of each month thereafter, each installment to be \$20.03. That the said Hamm's TV & Appliance thereafter, for a valuable consideration and before maturity assigned the said contract in writing unto the Plaintiff. And the Plaintiff says that the defendant has failed to comply with the following provisions thereof, viz: The defendant failed or refused to make the payments called for under the terms of the said covenant.

PERLOFF & REID

Wm. Perloff
Wm. Reid
 Attorneys for Plaintiff

FILED
 MAY 25 1964
 CLERK
 REGISTER

GENERAL ELECTRIC CREDIT
CORPORATION, A Corporation

Plaintiff,

vs.

AUBREY E. JACKSON,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 6298

DEMURRER

Comes now the Defendant in the above styled cause, by his attorneys, and demurrs to the Complaint heretofore filed by the Plaintiff in such cause and assigns the following separate and several grounds in support thereof:

1. Said Complaint is vague, indefinite and uncertain.
2. Said Complaint fails to state a cause of action against the Defendant.
3. Said Complaint fails to sufficiently set out the terms of the alleged contract.
4. The Defendant is not sufficiently informed by said Complaint of the matters which he is called upon to defend.
5. Said Complaint fails to allege a breach of any of the terms or provisions of the alleged contract.

CHASON, STONE & CHASON

By: John Earle Chason

FILED

JAN 19 1965

ALICE J. DUCK, CLERK
REGISTER

GENERAL ELECTRIC CREDIT
CORPORATION, a corporation

Plaintiff

vs.

AUBREY E. JACKSON

Defendant

IN THE CIRCUIT COURT OF

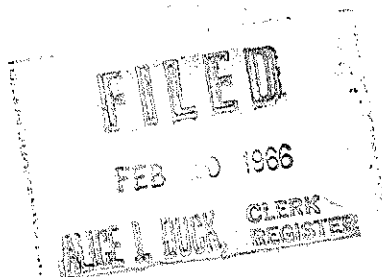
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6298

Comes C. LeNoir Thompson, Attorney and files this,
his appearance for the plaintiff in said cause joining
Mayer Perloff as associate counsel.


Attorney for plaintiff.



GENERAL ELECTRIC CREDIT
CORPORATION, a corporation,

Plaintiff,

vs.

AUBREY E. JACKSON,

Defendant.

Y
Y
Y
Y
Y
Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. 6298

PLEA:

Comes now the Defendant in the above styled cause and makes the following plea to the Amended Complaint heretofore filed in said cause:

1. The allegations of the Complaint are untrue.

CHASON, STONE & CHASON

By:

John Earle Chason

FILED

JUN 9 1965

ALICE L. DUCK, CLERK
REGISTERED

✓
GENERAL ELECTRIC CREDIT
CORPORATION, a corpora-
tion,

Plaintiff,

vs.

AUBREY E. JACKSON,

Defendant.

PLEA

FILED

JUN 9 1965

ALICE L. DUCK, CLERK
REGISTERED

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PERLOFF & REID
ATTORNEYS AT LAW
SUITE 605, VAN ANTWERP BUILDING
MOBILE, ALABAMA 36602
433-5412

MAYER W. PERLOFF
T. DWIGHT REID

May
25,
1965

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

Re: #6298 - General Electric vs. Aubrey E. Jackson

Dear Mrs. Duck:

I am enclosing herein an amended bill of complaint which I have prepared in the above captioned cause.

I noticed in your letter to me of May 21, 1965, in connection with this matter that you indicated that the Judge request that I do something before June 17, 1965, the next pleading date. I think that the amended complaint which I am now filing will take care of any possible defect. I do not think that Mr. Chason will refile his demurs but in the event that he does I would agree to the case being submitted to Judge Blackburn without the necessity of any argument on the demurrer. If demurrers are filed and it is submitted I would appreciate your mentioning to the Judge that this count is a code count in conformity with Title Seven, Section 223, Form # 8.

Thank you for your kind attention.

Very truly yours,

PERLOFF & REID


Mayer W. Perloff

M
W
P
/rms

Enc/