

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

MAYER W. PERLOFF  
T. DWIGHT REID

May  
4,  
1965

613 -

6374

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

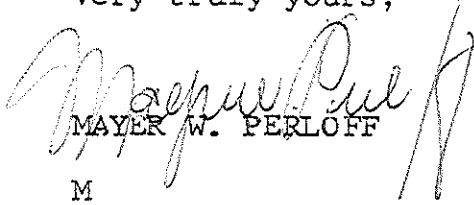
Re: American Plan Corporation  
Vs. Carl H. Greer et al

Dear Mrs. Duck:

Would you please non suit the above captioned case on  
motion of the Plaintiff.

Thank you for your kind attention.

Very truly yours,

  
MAYER W. PERLOFF

M  
W  
P  
/rms

AMERICAN PLAN CORPORATION,  
a corporation

Plaintiff

vs

CARL H. GREER, and MELBA  
GREER, jointly and severally

Defendants

X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

Come the defendants in the above styled cause and propound  
the following interrogatories to the plaintiff, American  
Plan Corporation:

1. Are you the plaintiff in this cause?
2. If your answer is "yes", then attach a certified  
copy of the alleged written contract, the basis of this  
suit.
3. State, if you know, whether or not Rich Plan of  
Mobile is a corporation.
4. Name the officers of the plaintiff corporation.
5. State whether or not any of the officers of the  
plaintiff corporation are officers of the Rich Plan of  
Mobile.

THOMPSON & WHITE

BY: C. LeNoir Thompson  
Attorneys for defendants.

STATE OF ALABAMA

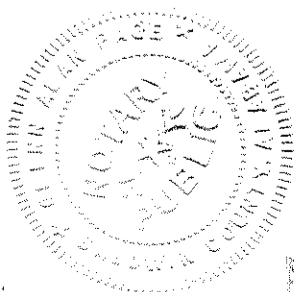
BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said  
State and County, personally appeared C. LeNoir Thompson, who  
being by me first duly sworn, deposes on oath and says as  
follows:

My name is C. LeNoir Thompson and I am one of the Attorneys  
of Record for the defendants in the above entitled cause, and  
as such, I am authorized to make this affidavit. I further  
state that the answer of the plaintiff to the foregoing in-  
terrogatories will, if truthfully made, be material evidence  
for the defendants on the trial of said cause.

C. LeNoir Thompson

Subscribed and sworn to before me by the said C. LeNoir  
Thompson on this the 6th day of February, 1965.



FILED

FEB 9 1965

Alice A. Duck, Clerk, Registrar

C. LeNoir Thompson  
Notary Public, Baldwin County, Alabama

29  
No. 6374 B66  
4

American Plant Corp.

OS  
Carl H. Greer &  
Melba Greer

RECEIVED

FEB 10 1965

SHERIFF'S OFFICE

to be served on  
Dan Meyer W. Peiloff  
and  
Mobile, Ala

Received 9 day of Feb. 1965  
and on 10 day of Feb 1965  
I served a copy of the within letter.  
on Dan Meyer W. Peiloff  
By service on Rae D Bridges  
~~FAYTOR WILKINS, Sheriff~~  
By J H Edwards D.S.

AMERICAN PLAN CORPORATION,  
a corporation

Plaintiff

vs

CARL H. GREER, and MELBA  
GREER, jointly and severally,

Defendants

X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA


6374

Come the defendants in the above styled cause and demur  
to the complaint filed in said cause and for demurrer show  
unto this Honorable Court as follows:

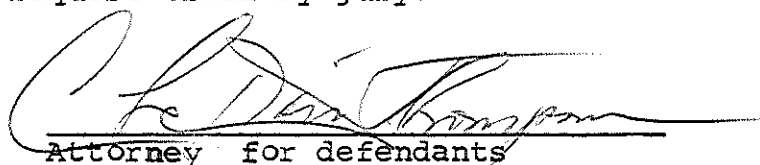
1. That said complaint fails to state a cause of action.
2. That said complaint fails to allege whether or not  
the Rich Plan of Mobile is a corporation, a partnership, or  
an individual.

THOMPSON & WHITE

BY:

  
Attorneys for Defendants

Defendants respectfully request trial by jury.

  
Attorney for defendants

FILED

FEB 9 1965

ALICE J. DUCK, CLERK  
REGISTER

AMERICAN PLAN CORPORATION,  
a corporation

Plaintiff

vs

CARL H. GREER, and MELBA  
GREER, jointly and severally

Defendants

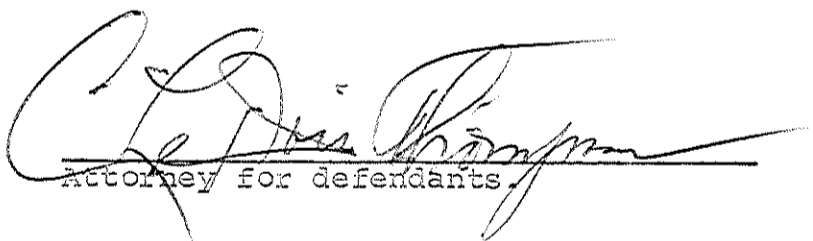
X  
X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 6374

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA:

Come the defendants, Carl H. Greer and Melba Greer, and show unto the Court that more than thirty days prior to the filing of this motion, the defendants in the above styled cause propounded interrogatories to plaintiff, American Plan Corporation, under Code 1940, Tit.7, Section 477-486, requiring said plaintiff to answer certain interrogatories therein propounded, and that although more than sixty days have elapsed since the service by the sheriff of said interrogatories upon the plaintiff, American Plan Corporation, the said plaintiff has failed, and still fails and refuses to answer the interrogatories therein propounded.

Wherefore, the defendants move the Court to enforce the penalty as provided by Title 7, Section 483 of the Code of 1940, as recompiled.

  
Attorney for defendants.

FILED

APR 27 1955

ALICE J. DICK, CLERK  
RECORDED

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

CASE NO. 14582

\*\*\*\*\*

MAYER W. PERLOFF  
605 Van Antwerp Building  
Mobile, Alabama 36602

AMERICAN PLAN CORPORATION, a Corporation

Non-Jury

VS. Suit for \$1,157.32 due by written contract  
(WAIVER)

C. LeNOIR THOMPSON  
Bay Minette  
Alabama 36507

CARL H. GREER, and MELBA GREER, jointly and severally

\*\*\*\*\*

PLEADINGS, PROCESS, ETC. \* FILING DATE \*

\*\*\*\*\*

1. Complaint and Summons \* 12-10-64 \*  
2. Plea in Abatement \* 1-6-65 \*

COMPLAINT & SUMMONS served on Defendants on December 29, 1964.

January 22, 1965 - Plea in Abatement sustained and case ordered transferred  
to Baldwin County. (31-280)

/s/ WALTER F. GAILLARD, Circuit Judge

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 27th day of January, 19 65.

*John E. Mandeville*  
Clerk. **FILED**  
JAN 28 1965  
AUG 1 1965 CLERK

#1 - COMPLAINT AND SUMMONS AND SHERIFF'S RETURN OF SERVICE THEREON

AMERICAN PLAN CORPORATION,  
a corporation,

Plaintiff,

vs.

CARL H. GREER, and MELBA  
GREER, jointly and severally,

Defendants.

\* IN THE CIRCUIT COURT OF

\* MOBILE COUNTY, ALABAMA

\* AT LAW

\*

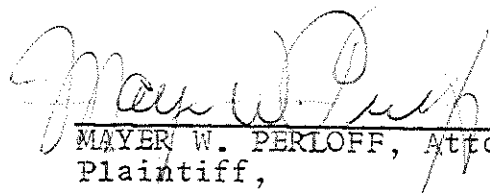
\*

\* CASE NO. 14582

Plaintiff claims of the Defendants, jointly and severally, the sum of ONE THOUSAND ONE HUNDRED FIFTY SEVEN & 32/100 (\$1157.32) DOLLARS for that heretofore on to-wit: February 8, 1964, the defendants executed a written contract wherein the defendants agreed to pay Rich Plan of Mobile the sum of ONE THOUSAND ONE HUNDRED FIFTY & 56/100 (\$1150.56) DOLLARS, in installments of \$31.96 per month, including interest, commencing on the to-wit: 14th day of March, 1964, which contract was transferred and assigned to Plaintiff herein before default in said contract. Plaintiff avers that defendants defaulted in payment thereunder on to-wit: July 14, 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 contract the defendants 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 \$192.89, which is 20% of \$964.43.

WHEREFORE, Plaintiff claims of the Defendants, \$964.43, plus interest, plus attorney's fee as aforesaid.

  
MAYER W. PERLOFF, Attorney for  
Plaintiff,

Defendants may be served:

Their home address: 310 Hoyle Avenue  
Bay Minette, Alabama

His Emp: Mobile Reserve Fleet  
Bay Minette, Alabama

Her Emp: Bay Slacks  
Bay Minette, Alabama

Filed December 10, 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

CARL H. GREER, and MELBA GREER, jointly and severally

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 \_\_\_\_\_

AMERICAN PLAN CORPORATION, a corporation

WITNESS: John E. Mandeville, Clerk of said Court, this 10th day of December, 19 64

Attest: John E. Mandeville  
Clerk

**SHERIFF'S RETURN**

Received \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ and on \_\_\_\_\_ Day  
of \_\_\_\_\_, 19\_\_\_\_, I served a copy of  
the within \_\_\_\_\_ on \_\_\_\_\_

by service on \_\_\_\_\_

RAY D. BRIDGES, SHERIFF

By \_\_\_\_\_ D.S.



Received 12 day of Dec  
and on 29 day of Dec 1964  
served a copy of the writ  
on Carl H. Greer  
Melba Greer  
by service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By W. A. Falber  
Om

RECEIVED

DEC 11 1964

SHERIFF'S OFFICE

*mail*  
No. 14582  
JUDGE Grifford DOCKET

CIVIL DIVISION  
**CIRCUIT COURT**  
MOBILE COUNTY

AMERICAN PLAN CORPORATION, a  
Corporation

VS. } Complaint and Summons

CARL H. GREER, and MELBA  
GREER, jointly and severally

Issued 10th day of December, 1964

Defendant's Address  
310 Hoyle Avenue  
Bay Minette, Alabama  
His Emp: Mobile Reserve Fleet  
Bay Minette, Alabama  
Her Emp: Bay Slacks  
Bay Minette, Alabama

MAYER W. PERLOFF

Plaintiff's Attorney

#2 - PLEA IN ABATEMENT

AMERICAN PLAN CORPORATION, a corporation	X	
	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
	X	MOBILE COUNTY, ALABAMA
vs	X	
CARL H. GREER, and MELBA GREER, jointly and severally,	X	AT LAW NO. 14582
	X	
Defendants	X	

PLEA IN ABATEMENT

Come the defendants, Carl H. Greer and Melba Greer, in the above-entitled cause, appearing specially and only for the purpose of filing this plea, and say that the said American Plan Corporation, a corporation, plaintiff in this cause, ought not to have and maintain its said action for the defendants say separately and severally, as follows, to-wit:

FIRST

That the said defendants are residents of Baldwin County, Alabama, and are not residents of Mobile County, Alabama.

SECOND

That the said defendants reside in Bay Minette, Baldwin County, Alabama, in the jurisdiction of the Circuit Court of Baldwin County, Alabama, and resided at 310 Hoyle Avenue in Bay Minette when the alleged contract was executed and have continued to live at said address until the present date and are presently living at 310 Hoyle Avenue, Bay Minette, Alabama.

THIRD

That the said defendants have never resided in Mobile County, Alabama.

Wherefore, the defendants say that the Circuit Court of Mobile County, Alabama, is without jurisdiction to try and determine this cause, and that this said action should be abated, and prays the judgment of this Honorable Court whether the plaintiff should be allowed to further maintain this suit.

Carl H. Greer  
Carl H. Greer

Melba Greer  
Melba Greer

THOMPSON & WHITE

BY: [Signature]  
Attorneys for defendants.

State of Alabama

Baldwin County

Before me, [Signature]

a Notary

Public, in and for said County, in said State, personally

appeared Carl H. Greer and Melba Greer, who being known by

me, and by me first duly sworn, depose and say on oath:

That they are the defendants in the above entitled cause and have personal knowledge of the facts stated in the foregoing pleas and that the said statements of fact therein contained are true.

[Signature]  
Carl H. Greer

[Signature]  
Melba Greer

Sworn to and subscribed before me, this the 2 day of

January, 1965.

[Signature]  
Notary Public, Baldwin County, Alabama

I hereby certify that I have this day mailed a copy of the foregoing plea U. S. Postage prepaid to Honorable Mayer W. Perloff, Van Antwerp Building, Mobile, Alabama, attorney for the plaintiff in said cause.

[Signature]  
Attorneys for defendants.

Filed January 6, 1965  
John E. Mandeville, Clerk

FRIDAY, JANUARY 22, 1965

AMERICAN PLAN CORPORATION, a Corporation	)	
	)	
GAILLARD      -vs-      14582	)	PLEA IN ABATEMENT SUSTAINED, AND CASE ORDERED TRANSFERRED TO BALDWIN COUNTY
	)	
CARL H. GREER, and MELBA GREER, jointly and severally	)	

This day in open Court came the parties by their attorneys, and defendants' Plea in Abatement filed January 6, 1965, in this cause, 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 defendants' said Plea in Abatement filed January 6, 1965, in this cause be, and the same is hereby sustained, and Case ordered transferred to Baldwin County.

Minute Book 30

Page 280

**CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY**

No. 14582 American Plan Corporation, a corp. Plaintiff  
Carl H. Greer, + Melba Greer 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 <u>2</u> \$ 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			Total ..... \$	3.00	
Taking Appeal Bond ..... .75					
Record for Supreme Court etc., per 100 words ..... .15					
Add'l Copies of Record for Supreme Court, per 100 words ..... .05					
Checking - including Reporters Transcript of Evidence ..... 10.00					
Certifying Abstract in lieu of Transcript on Appeal ..... 5.00					
Collecting Money on Judgments over 30 days old; ½ the percentage allowed Sheriffs ..... \$					
Total ..... \$	20.00				
			RECAPITULATION		
			Clerk ..... 20.00		
			Sheriff ..... 3.00		
			Inferior Civil Court .....		
			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	1.50	
			Trial Tax (County) ..... 1.50	1.50	
			Trial Tax (State) ..... 1.50	1.50	
			Advertisement .....		
			Garnishee's fees .....		

27.50

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