

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

CASE NO. 15935

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McCORVEY, TURNER, JOHNSTONE, ADAMS  
and MAY: Brock B. Gordon  
P.O. Box 1070  
Mobile, Alabama 36601

BUCK HINTON MOTORS, INC., a Corporation

Non-Jury

VS. Suit for \$400.00 damages to automobile

CECIL G. CHASON  
P.O. Box 458  
Foley, Alabama 36535

VERNIE O. BARNETT

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

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1. Complaint and Summons 5-10-65 \*

COMPLAINT AND SUMMONS served on Defendant on May 19, 1965.

2. Plea in Abatement 6-18-65 \*

July 23, 1965 - Plea in Abatement sustained, and case transferred to Baldwin County.

(32-220)

/s/ WILLIAM D. BOLLING  
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 4th day of August, 1965.

John E. Mandeville, Clerk.

FILED

AUG 5 1965

AUDIE J. DUCK, CLERK  
REGISTERED

458

## 1. COMPLAINT AND SUMMONS AND SHERIFF'S RETURN OF SERVICE

BUCK HINTON MOTORS, INC.,  
a Corporation,

Plaintiff,

==VS==

VERNIE O. BARNETT,

Defendant.

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

AT LAW

CASE NO. 15935

Plaintiff claims of the Defendant the sum of Four Hundred and No/100 (\$400.00) Dollars as damages for that heretofore and on, to-wit, June 26, 1964 while the Plaintiff's automobile was being operated in a westwardly direction on U. S. Highway No. 90 at or near a point approximately 350 feet east of the Town of Loxley, Alabama, said highway at said point being then and there a public highway in the County of Baldwin, Alabama, the Defendant so negligently operated a motor vehicle at said time and place as to cause or allow the same to run into, upon and against the rear end of an automobile being then and there operated by one Barbara C. Kostelecky and causing the front end of said automobile to run into, upon and against the rear end of the Plaintiff's automobile which was being then and there operated as aforesaid, and as a proximate consequence and result of the negligence of the Defendant as aforesaid the Plaintiff's automobile was badly bent, broken, crushed and otherwise damaged, all to the damages of the Plaintiff, hence this suit.

McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By Brock B. Aordon  
Attorneys for Plaintiff

Defendant's address:

Vernie O. Barnett  
RFD  
Summerdale, Alabama

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

May 18 4 24 PM '65

*John M. Andrews*  
CLERK

459

**THE STATE OF ALABAMA**  
MOBILE COUNTY

**CIRCUIT COURT**

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

VERNIE O. BARNETT

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

BUCK HINTON MOTORS, INC., a corporation

WITNESS: John E. Mandeville, Clerk of said Court, this 10th day of May, 1965

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

460 By \_\_\_\_\_ D.S.  
Executed  
May 19, 1965

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

May 11 3 42 PM '65

BY \_\_\_\_\_

Received 13 day of May 1965

and on 14 day of May 1965

served a copy of the within etc

in Vernie O. Barnett

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

TAYLOR WILKINS Sheriff

By [Signature] D.S.

Summendale

Sheriff claims 60 miles at

Ten Cents per mile Total \$6.00

TAYLOR WILKINS, Sheriff

BY [Signature]  
DEPUTY SHERIFF

No. 15935 - B

JUDGE \_\_\_\_\_ DOCKET

CIVIL DIVISION

**CIRCUIT COURT**  
MOBILE COUNTY

BUCK HINTON MOTORS, INC.,  
a corporation

VS. } Complaint and Summons

VERNIE O. BARNETT

Issued 10th day of May, 1965

Defendant's Address

Vernie O. Barnett  
RFD  
Summendale, Alabama

McCORVEY, TURNER, JOHNSTONE,  
ADAMS, & MAY By: Brock B. Gordo  
Plaintiff's Attorney

2. PLEA IN ABATEMENT

BUCK HINTON MOTORS, INC.,  
a Corporation,

Plaintiff,

-VS-

VERNIE O. BARNETT,

Defendant.

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

AT LAW

CASE NO. 15935 -B

PLEA IN ABATEMENT

Comes the Defendant in the above styled cause for the special purpose of filing the following plea and shows:

That as is affirmatively shown in the Complaint, the collision between the vehicles referred to therein occurred in Baldwin County, Alabama. The Defendant shows that he is a bona fide resident citizen of Baldwin County, State of Alabama, residing near Summerdale; that he was such a resident citizen at the time of the collision and at the time of institution of this proceeding and therefore because of the matters above set out that the Circuit Court of Mobile, Alabama is without jurisdiction to try this cause.

Wherefore the Defendant prays that this said action should be abated and should not be allowed to proceed.

Vernie O. Barnett  
Vernie O. Barnett

STATE OF ALABAMA

BALDWIN COUNTY

Before me, C. G. Chason, a Notary Public in and for said County in said State, personally appeared Vernie O. Barnett, who is known to me and who, after being by me first duly and legally sworn deposes and says under oath that he is the Defendant in the above styled cause and that the matters and facts set forth in the foregoing plea are true.

Vernie O. Barnett  
Vernie O. Barnett

Sworn to and subscribed before me on this the 28<sup>th</sup> day of May, 1965.

C. G. Chason  
Notary Public, Baldwin County  
State of Alabama

copy. Brock B. Gordon

FRIDAY, JULY 23, 1965

BUCK HINTON MOTORS, INC.,  
a Corporation

BOLLING -vs- 15935

VERNIE O. BARNETT

PLEA IN ABATEMENT SUSTAINED,  
AND CASE TRANSFERRED TO  
BALDWIN COUNTY

This day in open Court came the parties by their attorneys,  
and defendant's Plea in Abatement filed June 18, 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 defendant's  
said Plea in Abatement filed June 18, 1965, in this cause be,  
and the same is hereby sustained, and case transferred to  
Baldwin County, Alabama.

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CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 15935

Buck Hinton Motors, Inc., a Corp.

Plaintiff

VS.

Vernie O. Barnett

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			<i>Mileage 6.00</i> Serving Summons & Complaint \$ 1.50	7.50	
Suits for over \$100 but less than \$1,000 10.00	10.00		Serving Writ of Garnishment 1.50		
Suits for \$1,000 and over 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 \$	7.50	
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 10.80		
Checking - including Reporters Transcript of Evidence 10.00			Sheriff <i>Taylor Wilkins - \$7.50 Baldwin County</i> 7.50		
Certifying Abstract in lieu of Transcript on Appeal 5.00			Inferior Civil Court		
Collecting Money on Judgments over 30 days old, ½ 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	1.50	
			Trial Tax (County) 1.50	1.50	
			Trial Tax (State) 1.50	1.50	
			Advertisement		
			Garnishee's fees		
Total \$	10.80				

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

22.80

x

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

GESSNER T. MCCORVEY (1862-1965)

PHONE 433-5561 P. O. BOX 1070

BEN D. TURNER

MOBILE, ALABAMA 36601

C. A. L. JOHNSTONE, JR.

R. F. ADAMS, SR.

JAMES L. MAY, JR.

ALEX T. HOWARD, JR.

J. JERETHA HILL

CHARLES B. BAILEY, JR.

C. M. A. ROGERS, III

BROCK B. GORDON

BEN H. HARRIS, JR.

WILLIAM H. HARDIE, JR.

January 5, 1967

Mr. John Chason  
Chason, Stone and Chason  
Attorneys at Law  
P. O. Box 120  
Bay Minette, Alabama

Re: Buck Hinton Motors vs. Vernie  
O. Barnett

Dear Mr. Chason:

Thank you very much for your letter of January 4, 1967 and the enclosed draft in the amount of \$29.01. This draft represents final payment on the claim of our client against Mr. Barnett. Please consider this letter as our authority for you to have the pending suit dismissed upon payment of the court costs thereof.

We again wish to thank you for your splendid cooperation and assistance in bringing this matter to a conclusion.

Very truly yours,

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By Brock B. Gordon  
Brock B. Gordon

BBG:dk