

TRANSCRIPT OF DOCKET
JEFFERSON COUNTY CIVIL COURT

Case No. 75309

NAME OF PARTIES	CAUSE OF ACTION	ITEMIZED BILL OF COST								
Allied Building Credits, Division of Allied Concord Financial Corp., VS. William F. Welch, (Route 1, Perdido)	<div><div>\$ 304.96 Note</div><div>80.00 fees</div><table><thead><tr><th>Date</th><th>Received of</th><th>Amount</th><th>Judgment</th></tr></thead><tbody><tr><td></td><td></td><td></td><td></td></tr></tbody></table></div>	Date	Received of	Amount	Judgment					<div>COURT FEES</div> <div>Issuing Summons and Complaint.....\$1.00</div> <div>Issuing.....Alias Summons50</div> <div>Issuing.....Subpoena, each witness......15</div> <div>Issuing.....Exec. and taxing cost......50</div> <div>Issuing.....Summons to Garnishee......75</div> <div>Issuing.....Summons to Garnishee......50</div> <div>Issuing Attachment Writ <u>Cert. Mail</u>......50</div> <div>Attachment Bond and Affidavit.....1.50</div> <div>Garnishment Bond and Affidavit......75</div> <div>Garnishment Bond and Affidavit......50</div> <div>Writ of Detinue......50</div> <div>Detinue Bond and Affidavit......75</div> <div>.....Garnishment on Judgment......50</div> <div>.....Library Tax......10</div> <div>.....Cer. not otherwise provided for......25</div> <div>Docketing Cause over \$3,000.....9.10</div> <div>Docketing Cause6.10</div> <div>Issuing.....Vendi, Exponas50</div> <div>Transcript of Proceeding......50</div> <div>Attending Trial of Right of Property.....1.00</div> <div>.....Sci. Fa. or Notice in nature thereof......50</div> <div>.....Notice to Defendant......25</div> <div>XXXXX Trans. and Notice.....1.25</div> <div>CONSTABLE'S FEES CIVIL CASES</div> <div>Serving.....Summons <u>(26 Mi.)</u>.....2.50</div> <div>Entering Return......25</div> <div>Serving.....Summons, each witness......65</div> <div>Serving.....Garnishment2.50</div> <div>Serving.....Garnishment2.50</div> <div>Levying Attachment1.50</div> <div>Serving Gar. on Judgment.....2.50</div> <div>Levying Execution.....1.50</div> <div>Making Money, 5%, not less than 75¢</div> <div>Serving.....Notice, etc., on each party therein......65</div> <div>Serving.....Notice, etc., on each party therein.....2.50</div> <div>Serving Sci. Fa. or other like notice.....2.50</div> <div>Taking Bond.....2.00</div> <div>Taking Property Levied on.....6.00</div> <div>Gar. Ans. Fee.....</div> <div>Witness Fees.....</div> <div>Miscellaneous.....</div> <div>RECEIPTS</div> <div>Paid Court Fees.....</div> <div>Paid Constable.....</div>
Date	Received of	Amount	Judgment							
<div>DISPOSITION OF CASE</div> <div><i>Affidavit and Bond filed for</i></div> <div>Writ and Summons and Complaint issued Ret. 12-17-63</div> <div>XXXXXXX " & " Ret. Executed by Taylor Wilkins, Sheriff.</div> <div> Tolbert, Deputy Sheriff.</div> <div> Baldwin County, Alabama.</div> <div>Plea in Abatement filed.</div> <div>Plea is continued as Inactive. Deft's Atty. notified by mail.</div> <div>Notice from Attorney setting case for 7-20-65.</div> <div>On motion of Parties case continued to -83-65</div> <div>Defendant's plea in abatement granted and this cause is hereby transferred to Circuit Court of Baldwin County, Bay Minette, Alabama, and the costs of this proceeding in this Court are hereby taxed to Plaintiff.</div> <div>David Haigler, Judge.</div> <div>I, Jeanette Blackburn, in my capacity as Clerk of the Jefferson County Civil Court, hereby certify that the above is a true and correct exemplification of all the minutes, orders and all proceedings in the above styled case in this Court.</div> <div>Witness my hand, this <u>6</u> day of <u>Aug</u>, 196<u>5</u></div> <div><u>Jeanette Blackburn</u>, Clerk</div>										

JEFFERSON COUNTY CIVIL COURT

516 COURT HOUSE

PHONE 323.5311

EXTS. 278.279

DAVID HAIGLER, PRESIDING JUDGE
ARNOLD DRENNEN, ASSOCIATE JUDGE

JEANETTE BLACKBURN, CLERK

BIRMINGHAM, ALABAMA

August 6, 1965.

Clerk, Circuit Court of
Baldwin County,
Bay Minette, Alabama.

Dear Sir:

In Re: Case No. 75309
Allied Bldg. Credits, etc.,
vs.
William F. Welch.

Enclosed you will find the Court file and a transcript of all the minutes, orders, and other proceedings in the above styled case, which is transferred by order of this Court, pursuant to Title 7, Sec. 64, p. 1, 1940 Code of Alabama, as amended (Act No. 76 in Special Session of 1961 Legislature, approved September 15, 1961).

Yours truly,

Jeanette Blackburn
Clerk, ~~Clerk~~
Jefferson County Civil Court.

Enc.

Copies to: Robert S. Gordon, Attorney,
Empire Bldg., City,

-and-

Thompson & White, Attorneys,
Bay Minette, Alabama.

PERLOFF & REID
ATTORNEYS AT LAW
SUITE 603, VAN ANTWERP BUILDING
MOBILE, ALABAMA 36602
433-5412

MAYER W. PERLOFF
T. DWIGHT REID

October
12,
1965

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

Re: Allied Building Credits, Plaintiff
Vs. William F. Welch, Defendant
No. 6634

Dear Mrs. Duck:

Would you please enter my appearance as the atto
Plaintiff in the above captioned cause which has
to your Court from the Jefferson County Civil Co

I would also appreciate your advising me as to
the defendant demanded a jury trial when he fil
plea in abatement in Jefferson County in 1963.

Thank you for your kind attention.

Very truly yours,

PERLOFF & REID


Mayer W. Perloff

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P
/rms

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abate

GORDON, BUCHHEIM AND CLEVELAND

ATTORNEYS AND TAX CONSULTANTS
FIFTEENTH FLOOR CITY NATIONAL BANK BLDG.
BIRMINGHAM, ALABAMA 35203

GORDON AND CLEVELAND

ATTORNEYS AND TAX CONSULTANTS

ROBERT S. GORDON
CHARLES CLEVELAND

FIFTEENTH FLOOR EMPIRE BUILDING
BIRMINGHAM, ALABAMA 35203
TELEPHONE 251-4276

June 21, 1965

Mrs. Jeanette Blackburn, Clerk
Jefferson County Civil Court
Jefferson County Court House
Birmingham, Alabama

RE: Allied Building Credits, Division of
Allied Concord Financial Corporation
VS: William F. Welch
Case # 75309

Dear Mrs. Blackburn:

Please place the above styled case back on the active
docket for July 20, 1965.

Yours sincerely,

GORDON & CLEVELAND


CHARLES CLEVELAND

CC:s

cc Thompson & White, Attorneys for defendant
cc William F. Welch

ALLIED BUILDING CREDITS,
Div. of ALLIED CONCORD
FINANCIAL CORP.

Plaintiff

vs

WILLIAM F. WELCH

Defendant

X

X

X

X

X

X

JEFFERSON COUNTY CIVIL COURT

JEFFERSON COUNTY, ALABAMA

NO. 75309

PLEA IN ABATEMENT

Comes the defendant in the above-entitled cause, appearing specially and only for the purpose of filing this plea, and says that the said Allied Building Credits, Div. of Allied Concord Financial Corp., plaintiff in this cause, ought not to have and maintain its said action for the defendant says separately and severally, as follows, to-wit:

-1-

That the said defendant is a resident of Baldwin County, Alabama, and is not a resident of Jefferson County, Alabama.

-2-

That the said defendant resides in Baldwin County, Alabama, and has resided in Baldwin County, Alabama, for the last fifty years, and has continued to reside at said address until the present date.

-3-

That the said defendant has never resided in Jefferson County, Alabama.

Wherefore, the defendant says that the Jefferson County Civil Court of Jefferson 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.

William F. Welch
Defendant

THOMPSON & WHITE

BY: C. L. Thompson
Attorneys for defendant.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, C. L. Thompson a Notary Public, in and for said County, in said State, personally appeared William F. Welch, who being known to me, and by me first duly sworn,

deposes and says on oath:

That he is the defendant in the above entitled cause and has personal knowledge of the facts stated in the foregoing pleas and that the said statements of fact therein contained are true.

William J. Welch

Sworn to and subscribed before me, this the 2 day of December, 1963.

C. Leo Thompson
Notary Public, Baldwin County, Alabama

Filed
8-10-65

#6634
SUMMONS AND COMPLAINT ON WRITTEN INSTRUMENT WITH WAIVER OF EXEMPTION

Form No. 8

THE STATE OF ALABAMA,
JEFFERSON COUNTY.

To Any Lawful Officer of said State—Greeting:

Summon William F. Welch

to

appear before Jefferson County Civil Court on the 17th day of December, 19 63,

at 9:00 A.M., next at Room No. 518, Courthouse in Birmingham, to answer the Complaint of _____

Allied Building Credits, Div. of Allied Concrd Financial Corp.

and there make return of this writ.

Witness my hand, this _____ day of NOV 21 1963, 19____.

Janette Blackburn

Clerk

_____, Clerk.

Plaintiff claims of the Defendant the sum of \$304.96 Dollars

due by note made by Defendant on to-wit: _____ day of _____, 19____

and payable with interest, and Plaintiff avers that as part of said instrument Defendant waived his right to exemption as to personal property and agrees to pay a reasonable attorney's fee which he also claims, to-wit:

\$80.00

ROBERT S. GORDON
321 MASSEY BUILDING

251-4276

_____, Plaintiff's Attorney.

No. 75319

THE STATE OF ALABAMA,
JEFFERSON COUNTY

JEFFERSON COUNTY CIVIL COURT
Room No. 518
Courthouse

SUMMONS & COMPLAINT

Allied Building Credits, Div. of
Allied Concord Financial Corp.

2170 Highland Avenue South

vs.

Plaintiff.

William F. Welch

Route 1

Perdido, Alabama

Defendant.

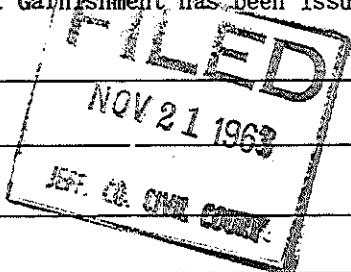
Garnishee.

Defendant at

Garnishee at

The Defendant is hereby notified that
Writ of Garnishment has been issued to

Issued



, 19

Clerk

Baldwin

Rec. 11-25-63

The within process executed by personal
service of a copy of said Summons and Com-
plaint and notice on the Defendant.

William F Welch

This 27 day of Nov, 1963

Sheriff claims 26 miles at

Ten Cents per mile Total \$2.60

TAYLOR WILKINS, Sheriff

BY

W. A. Talbert
DEPUTY SHERIFF

Taylor Wilkins

Sheriff.

W. A. Talbert

Deputy Sheriff.

Perdido

2.60
4.10

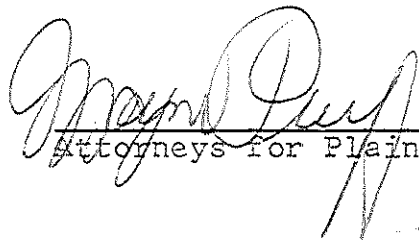
ALLIED BUILDING CREDITS, (IN THE CIRCUIT COURT OF
Plaintiff, (BALDWIN COUNTY, ALABAMA,
vs. (AT LAW
WILLIAM F. WELCH, (
Defendant. (CASE NO. 6634

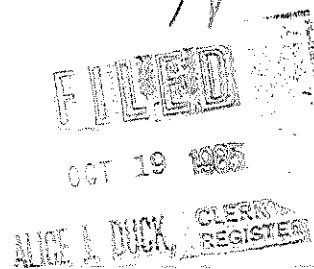
Comes now the Plaintiff in the above styled cause by and through his attorney of record, MAYER W. PERLOFF, and moves to strike the defendant's demand for trial by jury and as separate and several grounds for said motion shows unto this Court as follows, separately and severally:

1. That the demand for trial by jury was not timely filed.

2. The demand for trial by jury was filed more than thirty (30) days after perfection of service on the defendant and the defendant is not entitled to a trial by jury as set out in Title 7, Section 260, Code of Alabama, 1940, Recompiled 1958.

PERLOFF & REID


Attorneys for Plaintiff



ALLIED BUILDING CREDITS

X

Plaintiff

X

TRANSFERRED FROM THE JEFFERSON

VS

X

COUNTY CIVIL COURT TO THE

WILLIAM F. WELCH

X

BALDWIN COUNTY CIRCUIT COURT

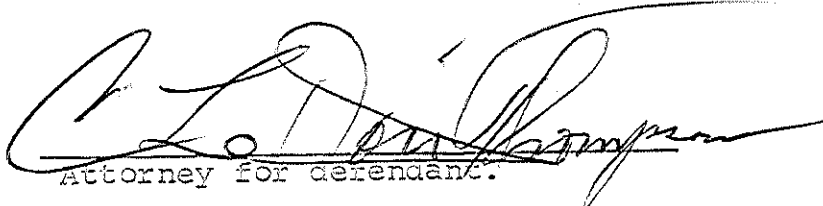
Defendant

X

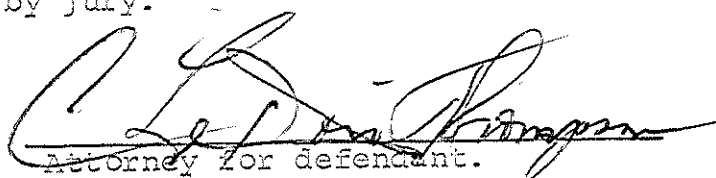
6634

Comes William F. Welch, defendant in the above styled cause and for demurrer to the complaint filed in said cause shows as follows:

1. The complaint fails to state a cause of action.
2. The complaint fails to set forth the amounts paid on the account.
3. The complaint fails to give credit for payments made to the account.
4. For aught alleged in the complaint the defendant has failed to pay any monies.


Attorney for defendant.

Defendant demands trial by jury.


Attorney for defendant.

FILED

SEP 14 1966

ALICE J. DUCK, CLERK
REGISTER