

CASE NO. 14820

Non-Jury

RAY L. BIGGS, and DUANE BIGGS, jointly and severally

33

Wm. Mandeville, Clerk.

AMERICAN PLAN CORPORATION, a corporation,
Plaintiff,
vs.
RAY L. BIGGS, and DUANE BIGGS, jointly and severally,
Defendants.
*
*
*
AT LAW
*
MOBILE COUNTY, ALABAMA
*
IN THE CIRCUIT COURT OF
*
CASE NO. 14820

Plaintiff claims of the Defendants, jointly and severally, the sum of NINE HUNDRED SEVEN & 76/100 (\$907.76) DOLLARS for that heretofore on to-wit: November 16, 1963, the defendants executed a written contract wherein the defendants agreed to pay Rich Plan of Mobile the sum of ONE THOUSAND & 40/100 (\$1,000.40) DOLLARS, in installments of \$27.79 per month, including interest, commencing on the to-wit: 20th day of December, 1963, 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: September 30, 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 \$151.29, which is 20% of \$756.47.

WHEREFORE, Plaintiff claims of the Defendants, \$756.47, plus interest, plus attorney's fee as aforesaid.

MAYER M. PERLOFF, Attorney for Plaintiff.

Defendants may be served:

Their home address: #2 Reid Sub Division
Bay Minette, Alabama
His Emp: Kaiser Aluminum & Chemical Corp.
Bay Minette, Alabama

Filed January 7, 1965
John F. Wardlaw, Jr.

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

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

RAY L. BIGGS, and DUANE BIGGS, 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 7th day of January, 19 65.

Attest: *John E. Mandeville*
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19____, and on _____ Day
of _____, I served a copy of _____
the within _____ on _____
by service on _____

RAY D. BRIDGES, SHERIFF

By _____ D.S.

mail
JUDGE W. H. Lanier DOCKET

No. 14820

CIVIL DIVISION

W. H. Lanier
CIRCUIT COURT
MOBILE COUNTY

AMERICAN PLAN CORPORATION,
a Corporation

VS. } Complaint and Summons

RAY L. BIGGS, and DUANE BIGGS,
jointly and severally

Issued 7th day of January, 1965

Defendant's Address

(SEE INSIDE)

MAYER W. PERLOFF
Plaintiff's Attorney

received 11 day of Jan 1965
12 day of Jan 1965
a copy of the within

Ray L. Biggs
Duane Biggs
SERVICE ON

TAYLOR WILKINS, Sheriff
W. A. Talbert
3 miles south
of B.M.

Sheriff's Office
TAYLOR WILKINS
BY Talbert
DEPUTY SHERIFF

RECEIVED
JAN 7 1965
SHERIFF'S OFFICE

#2 - PLEA IN ABATEMENT

AMERICAN PLAN CORPORATION,
A Corporation,

Plaintiff,

vs.

RAY L. BIGGS and DUANE
BIGGS, jointly and
severally,

Defendants.

¶

¶

¶

¶

¶

¶

¶

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

AT LAW

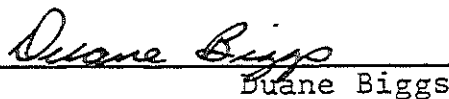
No. 14820

PLEA IN ABATEMENT

Come now the Defendants 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 file this their plea in abatement to the complaint heretofore filed by the Plaintiff and allege the following in support thereof:

That the Defendants are each resident citizens of Baldwin County, Alabama, and that their permanent residence is in Bay Minette, Baldwin County, Alabama, and was their 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 Defendants, wherefore the Defendants say that the Circuit Court of Mobile County, Alabama, is without jurisdiction of the premises.


Ray L. Biggs


Duane Biggs

OF COUNSEL:

CHASON, STONE & CHASON
Attorneys at Law
Bay Minette, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said County in said State, personally appeared Ray L. Biggs and Duane Biggs who are known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That their names are Ray L. Biggs and Duane Biggs; that they executed the foregoing Plea in Abatement and the allegations contained therein are true and correct.

Ray L. Biggs

Duane Biggs

Sworn to and subscribed before me on
this the 18 day of January, 1965.

John Earle Chason
Notary Public, Baldwin County, Alabama

I, John Earle Chason, one of the attorneys of record for the Defendants in the above styled cause, do hereby certify that I have this day mailed a copy of the above to Hon. Meyer Perloff, attorney of record for the Plaintiff, postage prepaid and properly addressed to him at his office in Mobile, Alabama.

Done this the 18 day of January, 1965.

John Earle Chason
John Earle Chason

Filed January 20, 1965
John E. Mendonça, Clerk

FRIDAY, FEBRUARY 5, 1965

AMERICAN PLAN CORPORATION,)	PLEA IN ABATEMENT CONFESSED
a Corporation)	AND SUSTAINED, AND CAUSE
)	AND FILE ORDERED TRANSFERRED
HOCKLANDER -vs- 14820)	TO THE CIRCUIT COURT OF
)	BALDWIN COUNTY, ALABAMA
)	
RAY L. BIGGS, and DUANE)	
BIGGS, jointly and severally)	

This day in open Court came the parties by their attorneys, and plaintiff confessing the defendants' Plea in Abatement in this cause; It is, therefore, ordered and adjudged by the Court that the defendants' said Plea in Abatement be, and the same is hereby sustained, and cause and file ordered transferred to the Circuit Court of Baldwin County, Alabama.

Minute Book 31

Page 355

2-24-65

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

Baldwin County

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 14820 American Plan Corporation, a Corp. Plaintiff
Ray L. Biggs, + Duane Biggs 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 ^{mileage 60¢} & Complaint 2 \$ 1.50	3 60	
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			Laying 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 \$	3 60	
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 per- centage allowed Sheriffs \$					
Total \$	10 80				

RECAPITULATION	
Clerk	10 80
Sheriff ^{Taylor Wilkins - #360} Baldwin County	3 60
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	

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

18.90

AMERICAN PLAN CORPORATION,
a corporation,

Plaintiff,

vs.

RAY L. BIGGS and DUANE
BIGGS, jointly and
severally,

Defendants.

℥

℥

℥

℥

℥

℥

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

4411

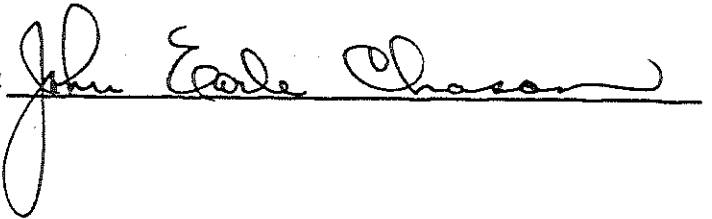
PLEA

Come now the Defendants in the above styled cause, separately and severally, by their attorneys and for plea to the Complaint heretofore filed against them in said cause say as follows:

1. The allegations of the Complaint are untrue.

CHASON, STONE & CHASON

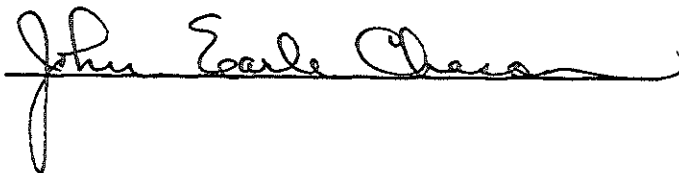
By:



The Defendants respectfully demand a trial of this cause by jury.

CHASON, STONE & CHASON

By:



FILED

MAR 19 1965

ALICE L. DUCK, CLERK
REGISTER