

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS AND COUNSELLORS AT LAW

AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1671

MOBILE, ALABAMA

36601

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
JOHN W. MOBLEY
MILLER A. WIDEMIRE
OLIVER J. LATOUR, JR.
FERRILL D. McRAE

JAMES W. TARTLTON, III
ALBERT H. JOHNSON, JR.

PETER HAMILTON 1838-1888
THOMAS A. HAMILTON 1844-1897
J. GAILLARD HAMILTON 1899-1956

June 29, 1965

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

RE: The American National Bank &
Trust Company of Mobile vs.
Roosevelt Watts
Case No. 6440 - Non-Jury
Our File #17,962 - (AHJ) - JWT

Dear Madam:

We received in the mail this date an answer filed by the defendant in the above styled case. As I recall the procedure in your Court each case on the docket is called on the third Thursday of each month. I would appreciate your informing me whether or not this case is set down for hearing on the 15th day of July, 1965.

Thanking you for this information, I remain

Yours truly,

James W. Tartlton III
For the Firm

JWT:lb

*Letter
Written*

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS AND COUNSELLORS AT LAW

AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1671

MOBILE, ALABAMA

36601

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
JOHN W. MOBLEY
OLIVER J. LATOUR, JR.
FERRILL D. MURRAE

JAMES W. TARTLTON, III

PETER HAMILTON (1838-1888)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)

December 28, 1965

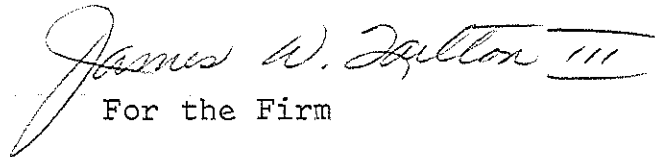
Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Re: The American National Bank
& Trust Company of Mobile
-vs- Roosevelt Watts
Baldwin County Circuit Court
Case No. 6440 - Non-Jury
Our File No. 17,962 - JWT

Dear Mrs. Duck:

Please refer to our letter dated November 19, 1965, wherein it was requested that a Consent Judgment be entered in the above styled matter. It is requested that a Certificate of Judgment be issued and that it be recorded in the Probate Court of Baldwin County. Please let us know the charges for Certificate of Judgment and recording thereof and we shall remit the same upon receipt.

Very truly yours,


For the Firm

JWT:lb

FILED
DEC 29 1965
ALICE I. DUCK, CLERK
REGISTER

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS AND COUNSELLORS AT LAW

AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1671

MOBILE, ALABAMA

36601

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
JOHN W. MOSLEY
MILLER A. WIDEMIRE
OLIVER J. LATOUR, JR.
FERRILL D. McRAE
JAMES W. TARTLTON, III

PETER HAMILTON 1836-1888
THOMAS A. HAMILTON 1844-1897
J. GAILLARD HAMILTON 1899-1956

November 19, 1965

Hon. Telfair J. Mashburn
Judge of Circuit Court
Bay Minette, Alabama

Re: The American National Bank
& Trust Company of Mobile
-vs- Roosevelt Watts
Baldwin County Circuit Court
Case No. 6440 - Non-Jury
Our File No. 17,962 - JWT

Dear Sir:

Mr. Cecil G. Chason, the attorney for the defendant, Roosevelt Watts, and I have reached a settlement in the above styled cause wherein the defendant has agreed that the Court enter a judgment by consent in favor of the plaintiff in the amount of \$500.00 which is payable at \$25.00 a month. We have received the first payment of \$25.00. It is requested that this letter be retained in the Court's file.

Yours truly,

James W. Tartlton III
For the Firm

JWT:lb

Agreed to this 10 day of December, 1965.

Cecil G. Chason
Cecil G. Chason, Attorney for
Roosevelt Watts

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS AND COUNSELLORS AT LAW

AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1671

MOBILE, ALABAMA

36601

PETER HAMILTON 1838-1888
THOMAS A. HAMILTON 1844-1897
J. GAILLARD HAMILTON 1899-1956

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
JOHN W. MOBLEY
MILLER A. WIDEMIRE
OLIVER J. LATOUR, JR.
FERRILL D. MSRAE

JAMES W. TARTON, III
ALBERT H. JOHNSON, JR.

September 8, 1965

Mr. James A. Brice
Attorney at Law
Jackson, Alabama

Re: The American National Bank
& Trust Company of Mobile
-vs- Roosevelt Watts
Our File No. 17,962 - JWT
Baldwin County Circuit Court
Case No. 6440 - Non-Jury

Dear Mr. Brice:

This case came up for hearing on August 26, 1965, at the regular motion docket. Since Mr. Johnson is no longer with our firm I and a witness from the Bank were present in Bay Minette prepared to go to trial. Neither you nor the defendant were present and we were reluctant to take a judgment by default since you were not present. Judge Mashburn and I discussed the matter and it was agreed that I would write you that this matter would be set for hearing on the next regular motion docket and if you were not present at that time I would proceed to take a judgment by default.

I have discovered that an error was made when the original complaint was drawn in the amount sued for. As you know the automobile was repossessed by The American National Bank & Trust Company and sold at a public auction on October 27, 1964, where the Bank purchased the automobile for a sum of \$200.00. The automobile was in such bad shape that it only sold for \$50.00 for junk. At any rate the balance due prior to the foreclosure came to \$776.00. Allowing \$200.00 for the public sale and \$121.75 rebate the amount owing at the time of the suit was \$454.25 plus a reasonable attorney's fee. A reasonable attorney's fee based on 20% of the amount sued for comes to a total of \$90.85. These are the figures we intend to use at the time of trial.

I would appreciate it if you would notify me whether or not you are still in the case and if so if you intend to be present in

Mr. James A. Brice
Attorney at Law
Jackson, Alabama
September 8, 1965

Page -2-

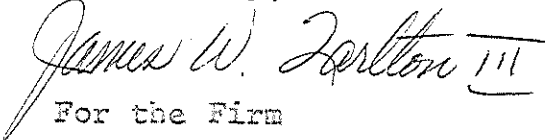
Court on the next regular motion day.

It is my understanding that the next regular motion docket will be called on the third Thursday of the month although I intend to verify this with Mrs. Duck, the clerk.

I should be glad to hear your views on the foregoing.

With kind regards, I remain

Yours truly,


For the Firm

JWT:lb

cc: Hon. Alice J. Duck, Circuit Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

CECIL G. CHASON

ATTORNEY-AT-LAW

FOLEY, ALABAMA

October 20, 1965

Mr. James W. Tarlton, III
Hamilton, Denniston, Butler & Riddick
P. O. Box 1671
Mobile, Alabama 36601

Re: American National Bank and
Trust Company vs. Roosevelt
Watts

Dear Mr. Tarlton:

James Brice has just sent to Roosevelt Watts the Bill of Complaint and your letter of September 8th concerning American National Bank's suit on the note.

In view of the circumstances involving Brice and that Roosevelt has just this day received his paper, I am requesting the Judge to grant a thirty day continuance in order that he may obtain counsel. I hope this meets with your approval.

Yours very truly,



C. G. Chason

CGC:jc

cc: Hon. Telfair J. Mashburn, Judge
Circuit Court
Bay Minette, Alabama

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

CECIL G. CHASON
ATTORNEY-AT-LAW
FOLEY, ALABAMA

October 20, 1965

Honorable Telfair J. Mashburn
Judge of Circuit Court
Bay Minette, Alabama

Re: American National Bank
vs. Roosevelt Watts

Dear Judge Mashburn:

The above styled cause was transferred from the Mobile County to Baldwin County Courts and Jim Brice was representing the Defendant. He has just this day notified the Defendant that he can no longer represent him. I do not intend to represent the Defendant in this cause, but request that he be granted thirty days within which to obtain an attorney and request this extention. I am enclosing herewith a copy of my letter to the Attorneys for the Plaintiff.

Yours very truly,


C. G. Chason

CGC:jc

cc: Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Mr. James W. Tarlton, III
Hamilton, Denniston, Butler & Riddick
P. O. Box 1671
Mobile, Alabama 36601

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

CASE NO. 14253

HAMILTON, DENNISTON, BUTLER & RIDDICK
BY: Albert H. Johnson, Jr.
P.O. Box 1671
Mobile, Alabama 36601

THE AMERICAN NATIONAL BANK & TRUST COMPANY OF MOBILE

Non-Jury

VS. Suit for \$918.00 due by promissory note, \$306.00
as attorneys' fee (WAIVER).

JAMES A. BRICE
Foley
Alabama

ROOSEVELT WATTS

Non-Jury

PLEADINGS, PROCESS, ETC. * FILING DATE *

1. Complaint and Summons* 11-3-64 * Complaint and Summons served on Defendant on November 11, 1964.

2. Plea in Abatement * 11-17-64 *

* February 5, 1965 - Hearing on Plea in Abatement set for February 19, 1965.

* February 19, 1965 -Hearing re-set for February 25, 1965.

* February 26, 1965 -Hearing re-set for March 12, 1965.

* March 12, 1965 - Plea in Abatement sustained; case ordered transferred to
Circuit Court of Baldwin County, Alabama. (31-517)
/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 16th day of March, 1965.

John E. Mandeville, Clerk.

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

THE AMERICAN NATIONAL BANK &) IN THE CIRCUIT COURT,
TRUST COMPANY OF MOBILE,)
Plaintiff,) OF MOBILE COUNTY,
Vs.) ALABAMA
ROOSEVELT WATTS,) AT LAW
Defendant.) CASE NO. 14253

COUNT ONE

Plaintiff claims of the defendant the sum of Nine Hundred and Eighteen Dollars (\$918.00) due by Promissory Note made by the defendant on, to-wit, the 17th day of February, 1964, and payable in eighteen (18) installments beginning on, to-wit, the 20th day of March, 1964. Plaintiff further alleges that in said note, and as a part of the consideration thereof, the defendant agreed that in the event of default of the payment of any one of said installments when due, the holder of said notes shall have the right to declare the entire indebtedness immediately due and payable, and the plaintiff alleges that there has been a default in the payment of said installments, and the plaintiff has elected to declare the entire indebtedness due and payable.

The plaintiff further alleges that in said note and as a part of the consideration thereof, the defendant waived all rights of exemption under the Constitution and Laws of the State of Alabama, and agreed to pay all costs of collection or securing or attempting to collect or secure said note, including a reasonable attorney's fee, which such attorney's fee the plaintiff claims and alleges to be Three Hundred and Six Dollars. (\$306.00).

HAMILTON, DENNISTON, BUTLER & RIDDICK

BY: Albert H. Johnson, Jr.
Member Appearing
Attorney for Plaintiff

The Defendant may be served at:
His place of Employment, Riviera
Utilities, Foley, Alabama

Filed November 3, 1964
John E. Mandeville, Clerk

THE STATE OF ALABAMA

MOBILE COUNTY

}

CIRCUIT COURT

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

ROOSEVELT WATTS

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 _____

THE AMERICAN NATIONAL BANK & TRUST COMPANY OF MOBILE

WITNESS: John E. Mandeville, Clerk of said Court, this 3rd day of November, 19 64

Attest: John E. Mandeville
Clerk

SHERIFF'S RETURN

Receved _____ 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 11 day of April 1964
and on 11 day of Nov
I served a copy of the within on Roosevelt Watts

By service on

TAYLOR WILKINS, Sheriff
By [Signature]

July

Sheriff claims 72 miles at

Ten Cents per mile Total \$ 7.20

TAYLOR WILKINS, Sheriff
DEPUTY SHERIFF

RECEIVED
NOV 5 1964
SHERIFF'S OFFICE

mail
No. 14253
JUDGE B DOCKET
CIVIL DIVISION
CIRCUIT COURT
MOBILE COUNTY

THE AMERICAN NATIONAL BANK &
TRUST COMPANY OF MOBILE

VS. } Complaint and Summons

ROOSEVELT WATTS

Issued 3rd day of November, 19 64

Defendant's Address
His place of employment,
Riviera Utilities,
Foley, Alabama

ALBERT H. JOHNSON, JR.
Plaintiff's Attorney

#2 - PLEA IN ABATEMENT

AMERICAN NATIONAL BANK & TRUST COMPANY)
MOBILE, ALABAMA,)

PLAINTIFF)

VS)

ROOSEVELT WATTS,)

DEFENDANT)

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

AT LAW NO. 14253 *Belling*

PLEA IN ABATEMENT

Comes the Defendant, Roosevelt Watts, and for Plea In Abatement appears specially, and says: That he is the Defendant named in the above styled cause; that he is and has been continuously since prior to February 17, 1964 a resident of Baldwin County, Alabama: That the aforesaid note as set out in the Plaintiff's Complaint and the counts thereto was executed by him in Baldwin County, Alabama; wherefore, he prays judgement that the Complaint be dismissed.

James A. Brice
James A. Brice, Foley, Alabama
Attorney for Defendant *But 298*

VERIFICATION

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me the undersigned authority, personally appeared Roosevelt Watts, who being first duly sworn, deposes and says that he has read the above plea in abatement and that the facts stated therein are true.

Roosevelt Watts
Roosevelt Watts

Sworn to and subscribed before me this *13th* day of November, 1964.

James A. Brice
Notary Public, Baldwin County, Alabama

Filed November 17, 1964
John E. Mandeville, Clerk
copy: Albert H. Johnson Jr.

FRIDAY, MARCH 12, 1965

THE AMERICAN NATIONAL BANK & TRUST COMPANY OF MOBILE)	
)	
BOLLING -vs- 14253)	PLEA IN ABATEMENT SUSTAINED -
)	CASE ORDERED TRANSFERRED TO
)	CIRCUIT COURT OF BALDWIN
)	COUNTY, ALABAMA
ROOSEVELT WATTS)	

This day in open Court came the parties by their attorneys, and Defendant's Plea in Abatement, filed November 17, 1964, to the Complaint 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 Defendant's said Plea in Abatement, filed November 17, 1964, to the complaint in this cause be, and the same is hereby sustained.

It is further ordered and adjudged by the Court that this cause be, and the same is hereby ordered transferred to the Circuit Court of Baldwin County, Alabama.

Minute Book 31

Page 517

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

14253 The American National Bank & Trust Co. Plaintiff
vs. Roosevelt Watts Defendant

Act No. 740, Reg. Session Ala. Legislature 1957
ppvd. 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 #7.20</i> Serving Summons & Complaint \$ 1.50	8.70	
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			Levyng 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 \$	8.70	
Taking Appeal Bond .75					
Record for Supreme Court etc., per 100 words .15			RECAPITULATION		
Additional Copies of Record for Supreme Court, per 100 words .05			Clerk 20.00		
Checking - including Reporters Transcript of Evidence 10.00			Sheriff <i>Taylor Wilkins - \$8.70</i>	8.70	
Certifying Abstract in lieu of Transcript on Appeal 5.00			<i>Baldwin County</i>		
Collecting Money on Judgments over 30 days old; ½ the percentage allowed Sheriffs \$			Inferior Civil Court		
			Justice Peace fees		
Total \$	20.00		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

33.20

THE AMERICAN NATIONAL BANK
& TRUST COMPANY OF MOBILE
Plaintiff

VS.

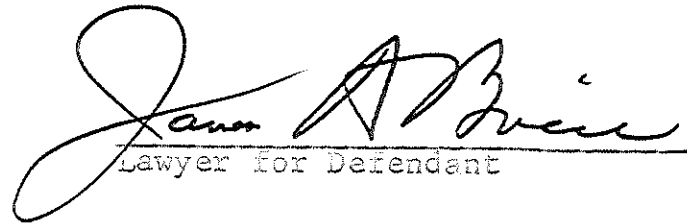
ROOSEVELT WATTS
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW, NO. 6440

ANSWER

Comes the defendant in the above styled cause and for answer
to the complaint heretofore filed, says:

1. Not guilty.
2. There was no consideration for the promissory note
made the basis of suit.
3. The debt has been paid in full prior to commence-
ment of the suit.


Lawyer for Defendant

FILED
JUN 28 1935
CLERK
REGISTER