

SUMMONS AND COMPLAINT

STATE OF ALABAMA }
BALDWIN COUNTY }

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

No. _____

Term, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Benjamin Umansky, Bay Minette, Alabama to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Benjamin Umansky by Milton W. Schaeffer, Plaintiff.

Witness my hand this 7th day of April, 1966.

Alice J. Slacks, Clerk.

* * * * *

MILTON W. SCHAEFFER,

IN THE CIRCUIT COURT OF

Plaintiff,

BALDWIN COUNTY, ALABAMA

vs.

AT LAW

BENJAMIN UMANSKY,

6930

Defendant.

COUNT ONE

Plaintiff claims of the defendant the sum of Two Thousand (\$2,000.00) Dollars, with interest thereon at 6% per annum thereon from the 11th day of January, 1966, for that on said date plaintiff recovered a judgment against defendant before Hon. George E. Schaaf, Judge of Circuit Court, Division No. 1, 21st Judicial Circuit, in and for St. Louis County, Missouri, in the sum of Two Thousand (\$2,000.00) Dollars due for legal services, as appears more fully on records of said court. And plaintiff avers that the judgment above noted, was had and obtained on said date for legal services rendered by plaintiff for the benefit of the above described account. And plaintiff avers that said judgment above noted was had and obtained on said date on account due for legal services owed by defendant and that the said judge of said Court, acting as the Circuit Judge thereof in and for

St. Louis County, Missouri, was authorized by the laws of said State to make and enter a judgment in said cause. And plaintiff further avers that said judgment remains in full force and effect and has not been reversed, satisfied or vacated.

Kenneth Cooper
Attorney For Plaintiff

FILED
APR 7 1936
ALICE L. BARK, CLERK
REGISTER

and on 7 day of April 1966
I served a copy of the within on Benjamin Umansky

By service on _____

TAYLOR WILKINS, Sheriff

By T. A. Q. Talbert D.S.

CASE NO. 6931

MILTON W. SCHAEFFER,
Plaintiff,
vs.

BENJAMIN UMANSKY,
Phillips
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

FILED
APR 7 1966
MADE A. BUCK, CLERK
REGISTER

KENNETH COOPER
ATTORNEY AT LAW
109 EAST 1ST STREET
BAY MINETTE, ALABAMA

Returned 11 day of April 1966
Not found in my county after diligent search and in-
quiry.

Taylor Wilkins, Sheriff
By T. A. Q. Talbert Deputy Sheriff

STATE OF ALABAMA

BALDWIN COUNTY

MILTON W. SCHAEFFER,

Plaintiff,

vs.

BENJAMIN UMANSKY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6930

NON-RESIDENCY AFFIDAVIT:

Before me, the undersigned authority, in and for said State and County, personally appeared Kenneth Cooper, who is known to me and who, by me being first duly and legally sworn, on oath deposes and says as follows:

That I am the attorney of record in the above-styled cause, and the Respondent named therein is either a non-resident of the State of Alabama or else conceals himself so that service of process of Court cannot be served upon the said Benjamin Umansky, the Defendant; that his whereabouts and residence in the State of Alabama is unknown; and cannot be ascertained after diligent effort, and Plaintiff states that such effort to find him has been made, without success; and that the Defendant is over 21 years of age.

That the giving or serving of notice, or subpoena by registered mail is authorized or required in this cause, and that such notice or subpoena may be given or served by certified mail in lieu of said registered mail; and that the person mailing such notice or subpoena shall stipulate delivery thereof shall be limited to addressee only, and shall demand a "return receipt", such certified being authorized under the provisions of Title 1, Section 17, Code of Alabama, Recompiled, 1958.

Kenneth Cooper

Subscribed and sworn to before me this 21st day of April, 1966.

Emilee B. Blackmon
Notary Public

FILED

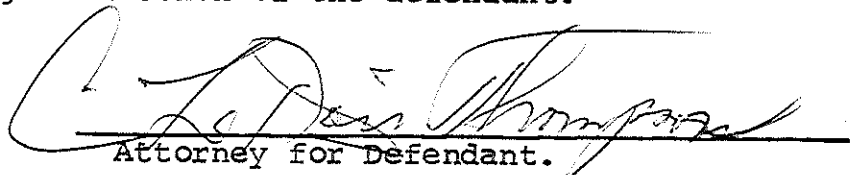
APR 21 1966

ALBANY, ALA. CLERK OF COURT

MILTON W. SCHAEFFER	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
BENJAMIN UMANSKY	X	AT LAW NO. 6930
Defendant	X	

Come the defendant in the above styled cause and for answer to the complaint filed therein shows unto this Honorable Court as follows:

1. Nul tiel judgment.
2. That the defendant was not a citizen of the State of Missouri nor was the defendant there in said State at any time pending the said suit from which the judgment, subject of this action was obtained and further that he was not properly served by process nor did he appear or defend the same.
3. That the said Court granting the judgment, subject of this suit did not have jurisdiction of the amount of said judgment.
4. That the said court granting the judgment subject of this suit did not have jurisdiction of the defendant.


Attorney for Defendant.

FILED

FEB 3 1967

ALICE L. DICK, CLERK
REGISTER

MILTON W. SCHAEFFER,

PLAINTIFF

VS

BENJAMIN UMANSKY,

DEFENDANT.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6930

ORDER

This cause, coming on to be heard this date upon the demurrer by the defendant, Benjamin Umansky, to the complaint by the plaintiff, Milton W. Schaeffer, and the Court having read the same, and heard oral arguments by counsel for the respective parties, the Court is of the opinion that the demurrer is not well taken. It is therefore

ORDERED, ADJUDGED and DECREED by the Court that the demurrer by the defendant is hereby overruled, and the defendant is allowed 20 days from this date in which to further plead in this cause.

Done this 19th day of January, 1967.

Jeffery A. MacArthur
CIRCUIT JUDGE

FILED

JAN 23 1967

ALICE L. BUCK, CLERK
REGISTER

MILTON W. SCHAEFFER

Plaintiff

vs

BENJAMIN UMANSKY

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6930

Comes the defendant in the above styled cause and demurs to the complaint filed in said cause and shows unto this Honorable Court as follows:

1. That said complaint fails to state a cause of action.
2. That for aught alleged in said complaint, there was want of jurisdiction of the Circuit Court of St. Louis County, Missouri.


Attorney for defendant.

FILED

MAY 19 1936

AUG 1. 1936