

INGE, TWITTY, DUFFY & PRINCE
LAWYERS

THOS. E. TWITTY
FRANCIS H. INGE (1902-1959)
RICHARD H. INGE
THOS. E. TWITTY, JR.
JAMES J. DUFFY, JR.
SYDNEY R. PRINCE, III

MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA
36602

MAILING ADDRESS:
P.O. BOX 1109
MOBILE, ALA.
36601

CABLE ADDRESS:
TWINING
TELEPHONE
433-5441

August 24, 1967

Mrs. Alice J. Duck
Baldwin County Courthouse
Bay Minette, Alabama

Re: L & M Distributing Corporation,
etc., vs. William R. Rucker
Ned W. Hollingsworth vs.
William R. Rucker

Dear Mrs. Duck:

I am enclosing herewith a copy of Lt. Wilson's letter to me of July 28 in which he asks that State of Alabama, Department of Public Safety, P.F.R. 1 form be completed and returned to him.

I have enclosed an addressed envelope to the Safety Responsibility Unit for your use.

Your cooperation in this matter is greatly appreciated.

Cordially yours,



Sydney R. Prince, III
For the Firm

SRP, III:lw
Enclosure

Handwritten:
Done
8-25-67

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

CASE NO. 19001 - HOCKLANDER

COMPANION CASES 19001 - 19002

INGE, TWITTY, DUFFY & PRINCE
BY: SYDNEY R. PRINCE, III

L & M DISTRIBUTING CORPORATION OF
JACKSONVILLE, INC., a Corporation

JURY

VS. Suit for \$5,000.00 damages to automobile
carrying a cargo of electrical appliances.
TORT

JOHN V. DUCK - P.O. Drawer Y

WILLIAM R. RUCKER

Fairhope, Alabama

PLEADINGS, PROCESS, ETC. * FILING DATE *

1. Complaint & Summons * 4-6-66
2. Plea in Abatement * 5-4-66

C & S served on Defendant on April 21, 1966.

June 10, 1966 - Plea in Abatement granted, and Case transferred to
Baldwin County, Alabama.

Joseph M. Hocklander, Judge

33-753

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 14th day of June, 1966.

Clerk.

FILED
JUL 10 1966
ALICE J. DUCK, CLERK
REGISTER

L & M DISTRIBUTING
CORPORATION OF
JACKSONVILLE, INC.,
a Corporation,

Plaintiff,

VS.

WILLIAM R. RUCKER,

Defendant.

) IN THE CIRCUIT COURT OF
) MOBILE COUNTY, ALABAMA
) AT LAW
)
)
)
) CASE NO. 19001

COMPLAINT

Plaintiff claims of the defendant FIVE THOUSAND and No/100 (\$5,000.00) DOLLARS as damages for that heretofore, on, to-wit, the 10th day of April 1965, the defendant so negligently operated his automobile on or along U. S. Highway 31, near Stapleton, Alabama, said highway being a public road in Baldwin County, Alabama, so as to cause or allow his said motor vehicle to run into, upon or against an automobile being driven at said time and place by Ned W. Hollingsworth, and which was carrying a cargo of electrical appliances, and as a direct and proximate result of the defendant's said negligence, as aforesaid, the plaintiff's said property, consisting of electrical appliances, a list of which is attached hereto and marked Exhibit "A" and made a part hereof, was badly broken, bent, smashed, destroyed, and otherwise damaged, for all of which the plaintiff claims damages as aforesaid.

INGE, TWITTY, DUFFY & PRINCE

By

Sydney R. Prince, III

Defendant William R. Rucker may be served at:

Route 1, Box 241
Daphne, Alabama

Plaintiff demands a trial by jury

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

APR 6 4 43 PM '66

[Signature]
CLERK

6. ✓ ADMIRAL RADIOS MODEL 43783 @ 13.75 = 82.50 ✓
 12 * DOUBLE HOT PLATES @ 2.95 each = 35.40 ✓
 6 * LANDERS STEAM & OIL IRON 5.25 = 31.50 ✓
 8 * PROCTOR DRY IRONS @ 5.75 = 46.00 ✓
 TOTAL LOST 4 1758.22

The following items are damaged in accident and can
 not be repaired and are in Store Room at Highgate

Phycharon also:

1 ✓ ADMIRAL RADIO MODEL 43572 BOX ONLY 14.50 ✓
 2 * OSTER VIBRATORS @ 6.25 each 12.50 ✓
 2 * PROCTOR SILEX TOASTERS @ 7.00 14.00 ✓
 1 * OSTER CAN OPENER w/ KARE SHAWLER 11.50 ✓
 1 * BORAS AIR KING HEATER @ 10.00 9.00 ✓
 1 EUREKA VACUUM CLEANER MODEL 1015 49.47 46 ✓
 1 * ELECTRIC POP CORN PEPPER 1.50 ✓
 3 SONDREAM IRONS 5.25 @ 8.25 + 8.25 28.75 ✓
 1 * IFF ELIC TOOTH BRUSH - - - - - 12.45 ✓
 5 PROCTOR SILEX IRONS 4 10.75 @ 6.00 = 30.00 ✓
 6 * UNIVERSAL IRON 7829 7.72 ✓
 1 ✓ HAMILTON BEACH MIXETT 9.00 ✓
 1 ✓ AURORA II PROJECTOR 49.27 ✓
 1 ✓ ADMIRAL RECORD PLAYER Y8057 40.00 ✓
 1 * ROSS TRANSISTOR TAPE RECORDER @ 9.00 36.00 ✓
 1 * SHAW TRANSISTOR 9.00 ✓
 1 * ROSS TRANSISTOR RACE 10TR. 10.25 ✓
 2 TV STANDS @ 3.95 each 7.90 ✓
 1 LANDERS COFFEE POT 8.50 ✓
 2 UNIVERSAL IRONS # 1955 7.72 15.44 ✓
 1 ROSS AM/FM TRANSISTOR RADIO 19.95 ✓
 1 TRATTEL IRON CADITEL 15.20 ✓
 1 KENSINGTON FM/AM RADIO 800045 19.50 ✓
 1 RAINA TAPE RECORDER MODEL TP60 21.00 2 ✓
 1 ROSS 10 TRANSISTOR RADIO 10.45 ✓

THE FOLLOWING ITEMS WERE IN GOOD SHAPE
AND PUT INTO STOCK FOR SALE. AND WAS
ALL THAT WAS LEFT ON TRUCK DAY AFTER
ACCIDENT.

1 EUREKA VACUUM CLEANER
1 TV TABLE C-S-S-
1 TV TABLE E 5
15. POPCORN POPPERS THIS ITEM SHOULD
BE SUBTRACTED FROM LOSS OF 24 = @ 240 = - 36⁰⁰
3 KAZ HEATING PADS
1 PHILIP SHAVER
2 PROCTOR DRY IRONS @ 57⁵⁰ = 115⁰⁰
5 PROCTOR DRY & STEAM IRONS 10727 @ 60⁰⁰ 300⁰⁰
3 SOWBERN IRONS 522 = 308⁷⁵ 281²⁵
1 WESTINGHOUSE ELEC TOOTH BRUSH 11⁰⁰ 11⁰⁰
1 PROCTOR Slicer TOASTED 4 SLICE 11⁰⁰ 11⁰⁰
1 HOT PLATE - - - - - 1⁰⁰ 1⁰⁰
1 SOWBERN TOASTER THIS - - - - - 117.91

117.91 should come off list of lost and destroyed

TOTAL 2 201.71
117.91

208,380

LOSS OF DESTROYED & DAMAGED 2083.80

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

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

WILLIAM R. RUCKER

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

L & M DISTRIBUTING CORPORATION OF JACKSONVILLE, INC.,
a corporation

WITNESS: John E. Mandeville, Clerk of said Court, this 6th day of April, 1966

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

By _____ D.S.

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

APR 8 4 11 PM '66

BY _____

mail
No. 19001 - 11

JUDGE _____ DOCKET _____

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

L & M DISTRIBUTING CORPORATION
OF JACKSONVILLE, INC., a
Corporation

VS. } Complaint and Summons

WILLIAM R. RUCKER

Issued 6th day of April, 1966

Defendant's Address

Route 1, Box 241
Daphne, Alabama

SYDNEY R. PRINCE, III

Plaintiff's Attorney

Served 12 day of April 1966
at 20 day of April 1966
Served a copy of the within
William R. Rucker

Service on Sam

TAYLOR WILKINS, Sheriff
By Roy Randal D. S.

Spanish Fort

Sheriff claims 44 miles

Ten Cents per mile Total \$4.40

TAYLOR WILKINS, Sheriff
BY Roy Randal
DEPUTY SHERIFF

JOHN V. DUCK
~~DUCK & LACEY~~
Attorneys at Law
P. O. DRAWER ~~XX~~ - FAIRHOPE, ALABAMA
Y

M E S S A G E

R E P L Y

TO Circuit Court of Mobile County
Mobile, Alabama

DATE May 2, 1966

Re: L & M Distributing Corp. vs. Rucker
Civil Case No. 19001 - 17

Gentlemen:

Enclosed please find Plea in Abatement
to be filed in captioned case.

Sincerely,

John V. Duck

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

MAY 4 10 40 AM '66

[Signature]
CLERK

SIGNED

DATE May 4, 1966

This Plea in Abatement has been
set down on Judge Hocklander's
Motion Docket on May 13, 1966,
9:30 A.M. - Courtroom No. 3

SIGNED

L & M DISTRIBUTING CORPORATION)
OF JACKSONVILLE, INC., a)
corporation,)

Plaintiff,)

vs.)

WILLIAM R. RUCKER,)

Defendant.)

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA

AT LAW

CASE NO. 19001

PLEA IN ABATEMENT

Now comes WILLIAM R. RUCKER, the Defendant in the above styled cause, and appearing specially and for the purpose of this Plea in Abatement, and for no other purpose, says:

That the said WILLIAM R. RUCKER at the time said suit was instituted was a bona fide resident of the County of Baldwin, State of Alabama, and that the alleged accident in the Bill of Complaint filed herein affirmatively shows on its face that the accident occurred in Baldwin County, Alabama and that the Circuit Court of Mobile County is without jurisdiction to try this suit.

W R RUCKER

WILLIAM R. RUCKER

STATE OF ALABAMA

BALDWIN COUNTY

Before me, a Notary Public in and for said county, in said state, personally appeared WILLIAM R. RUCKER, the Defendant in the above styled cause, and who, being by me first duly and legally sworn, says on oath that the facts set forth in the foregoing Plea in Abatement are true and correct.

W R RUCKER

WILLIAM R. RUCKER

STATE OF ALABAMA MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON this 30 day of April, 1966.

MAY 4 8 51 AM '66

[Signature]

CLERK

Lucia Higher
NOTARY PUBLIC

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 2nd day of May, 1966

275

[Signature]
Attorney for Def

FRIDAY, JUNE 10, 1966

L & M DISTRIBUTING CORPORATION
OF JACKSONVILLE, INC., a
Corporation

HOCKLANDER -vs- 19001

WILLIAM R. RUCKER

PLEA IN ABATEMENT GRANTED,
AND CASE TRANSFERRED TO
BALDWIN COUNTY, ALABAMA

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed May 4, 1966, 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 May 4, 1966, in this cause be, and the same is hereby granted, and Case ordered transferred to Circuit Court of Baldwin County, Alabama.

Minute Book 33

Page 753

STATE OF ALABAMA, }
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

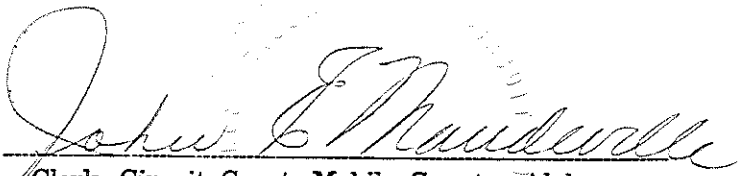
I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

as rendered by the said Circuit Court on the 10th day of June, 19 66, in the cause
entitled No. 19001 - L & M DISTRIBUTING CORPORATION OF JACKSONVILLE,
INC., a Corporation, Plaintiff,
— versus — WILLIAM R. RUCKER

Defendant, (~~Together with the cancellation thereof~~), as the same remains of record in this office in
Minute Book No. 33, Page No. 753.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office
in the City of Mobile, Alabama, on this the 14th day of June, 19 66.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 19001
T & M DISTRIBUTING CORPORATION OF JACKSONVILLE, INC., a Corp. Plaintiff
VS.
WILLIAM R. RUCKER
Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957
Appvd. Sept. 20, 1957)
(Amend Sec. 21, Title 11, Code Ala. 1940)

150249778

(Act No. 571, Reg. Ses. Leg. 1955)
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES		SHERIFF'S FEES	
Ptff.	Deft.	Ptff.	Deft.
\$ 6.00		Suits for \$100 or less	
		Suits for over \$100 but less than \$1,000	
10.00		Suits for \$1,000 and over	
20.00	20.00	Suits in detinue, ejectment, etc.	
10.00		Suits not otherwise provided	
10.00		Writs, Mandamus, Prohibition, etc.	
15.00		Appeals from Court General Sessions	
15.00		Appeals from Probate Court	
20.00		Appeals from JP Courts	
6.00		Appeals from State Dept of Pub. Safety, and other State Agencies	
10.00		Workmen's Compensation Settle.	
10.00		Garnishment on Judgment	
6.00		Order of Sale, Motions to sell,	
6.00		Recording executions from State Agencies	
3.00		Cert. Copy of Record - per 100 words	
.15	.15	Taking Appeal Bond	
.75		Record for Supreme Court etc., per 100 words	
.15		Add 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, $\frac{1}{2}$ the percentage allowed Sheriffs	
		Total	
	20.00		80
	80		80
		RECAPITULATION	
		Clerk	
		Sheriff Taylor Wilkins Baldwin County	
		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	
		Trial Tax (County)	1.50
		Trial Tax (State)	1.50
		Advertisement	1.50
		Garnishee's fees	
		Total	5.90
		Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3%	
		Making Deed for Property sold	2.50
		Serving Contempt Writ	1.50
		Collecting Costs Execution	1.50
		Taking & Approving Bond	2.00
		Impaneling Jury	.75
		Serving subpoenas, each	.75
		Seizing personal property under Writ of Detinue	6.00
		Executing Writ Possession	5.00
		Levying Attachment & Return	6.25
		Serving Sci Fa.-Notices	1.50
		Serving Writ of Garnishment	1.50
		Serving Summons & Complaint	1.50
		Total	5.90
		Total	5.90