

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

COMPANION CASES 19001 - 19002

CASE NO. 19002 - HOCKLANDER

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

NED W. HOLLINGSWORTH

JURY

VS. Suit for \$3,500.00 damages to automobile.
TORT

JOHN V. DUCK
P.O. Drawer Y,
Fairhope, Alabama

WILLIAM R. RUCKER

PLEADINGS, PROCESS, ETC. * FILING DATE *

1. Complaint and Summons* 4-6-66 * C & S served on Defendant on April 21, 1966.
2. Plea in Abatement * 5-4-66 *
* * *
* * *
* 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.

John E. Mandeville, Clerk.

FILED

CLERK
RECEIVED

MO. 7024

265

NED W. HOLLINGSWORTH,) IN THE CIRCUIT COURT OF
Plaintiff,) MOBILE COUNTY, ALABAMA
VS.) AT LAW
WILLIAM R. RUCKER,)
Defendant.) CASE NO. 19002

COMPLAINT

Plaintiff claims of the defendant THREE THOUSAND FIVE HUNDRED and No/100 (\$3, 500.00) 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 automobile, which he was then and there driving at said time and place, to come into contact with or collide with the plaintiff's said automobile and as a direct and proximate result of the defendant's said negligence, as aforesaid, the plaintiff's said vehicle was badly broken, bent and damaged and the plaintiff lost the use thereof for a considerable period of time, for all of which the plaintiff claims damages as aforesaid.

INGE, TWITTY, DUFFY & PRINCE

By *Sydney R. Prince, III*
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

John H. Maxwell
CLERK

287

2 SUNBEAM 1200 WHITE MIXERS	= 65.49
24 SUNBEAM IRONS 522	229.65
6* PROCTOR MODEL 20535 TOASTERS	66.54
12* PROCTOR MODEL 2053 TOASTERS	84.00
6 STARKA WALNUT TOSTERS 85 IF	45.90
6* 6-TRANSISTOR CHANNEL MASTER RAD	48.90
3 SUNBEAM BROILER FRY PAN TALL	53.88
24 SUNBEAM COFFEE MAKERS AP11A	208.10
24* ELECTRIC POPCORN POPPERS @ 2.42	= 57.68
24* ELECTRIC HOT PLATES @ 1.50	28.80
1 ADMIRAL RECORD PLAYER Y 8057 4/UTAP	40.95
24 SMALL TRANSISTOR TAPE RECORDER @ 9.00	= 216.00
16* PROCTOR STEAM IRONS 10727 @ 6.00	96.00
2 AURORA II PROJECTORS @ 49.25	98.50
1 KEYSTONE PROJECTOR KIT.	119.00

Exhibit "A"

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 OIL IRONS @ 5.75 = 46.00 ✓
 TOTAL 1097 4 1752.22

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

Charged also:

1 ADMIRAL RADIO MODEL 43572 BOK ONLY 14.50 ✓
 2 * OSTER VIBRATORS @ 6.25 each 12.50 ✓
 2 * PROCTOR SILEX TOASTERS @ 7.00 14.00 ✓
 1 * OSTER CAN OPENER w/ KNIFE SHARPER 11.50 ✓
 1 * BURAS AIR KING HEATER @ 10.00 9.00 ✓
 1 EUREKA VACUUM CLEANER MODEL 1015 49.77 46 ✓
 1 * ELECTRIC POKER COOK POPPER 1.25 ✓
 2 SUNDRA IRONS 5.00 @ 3.25 each 6.50 ✓
 1 * ELLIOTT TOOTH BRUSH 1.25 ✓
 5 PROCTOR SILEX IRONS 10.75 @ 6.00 = 64.50 ✓
 1 UNIVERSAL IRON 7.75 7.75 ✓
 1 HAMILTON BECK MIXER 7.00 ✓
 1 AUDORA II PROJECTOR 49.27 ✓
 1 ADMIRAL RECORD PLAYER 49.57 40.00 ✓
 1 CROSS TRANSISTOR TAPE RECORDER @ 9.00 36.00 ✓
 1 * SHAW TRANSISTOR 9.75 9.75 ✓
 1 CROSS TRANSISTOR RACE 10.75 10.75 ✓
 2 TV STANDS @ 3.75 each 7.50 ✓
 1 * LANCERS COFFEE POT 8.50 ✓
 2 UNIVERSAL IRONS # 1995 7.75 15.50 ✓
 1 CROSS AM 57A TRANSISTOR RADIO 19.95 ✓
 1 * WHITE IRON GRIDDLE 10.25 ✓
 1 KENSINGTON FM/AM RADIO 19.50 ✓
 1 * TAYLOR TAPE RECORDER MODEL 7130 51.00 ✓
 1 CROSS 10 TRANSISTOR RADIO 10.75 ✓

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 S
15. POPCORN POPPERS THIS ITEM SHOULD
BE SUBTRACTED FROM LOSS OF 24 @ 240 = -36⁰⁰
3 KAZ HEATING PADS
1 PHILIP SHAVED
2 PROCTOR DRY IRONS @ 575 = 1150^V
5 PROCTOR DRY STEAM IRONS 10727 @ 60 = 300⁰⁰
3 SONBIRM IRONS 522 = 3054⁰⁰
1 WESTINGHOUSE ELEC TOOTH BRUSH
1 PROCTOR SILENT TOASTED 45000 1100 = 1100^V
1 HOT PLATE - - - - - 100 = 100^V
1 SUNDOWN TOASTER THIS - - - - - 117.91

117.91 should come off list of lost and destroyed

TOTAL 2201.71
117.91

2083.80

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

NED W. HOLLINGSWORTH

WITNESS: John E. Mandeville, Clerk of said Court, this 6th day of April, 19 66

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 10 PM '66

BY

mail

No. 19002 - H

JUDGE _____ DOCKET

CIVIL DIVISION

CIRCUIT COURT

MOBILE COUNTY

NED W. HOLLINGSWORTH

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

delivered 12 day of April 1966

on 20 day of April 1966

received a copy of the within

William R. Rucker

service on same

TAYLOR WILKINS, Sheriff

By Roy Randal D. S.

Spanish Fort

44 miles

4.48

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, Ala.

DATE May 2, 1966

Re: Hollingsworth vs. Rucker.

Civil Case No. 19002 -H

Gentlemen:

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

Sincerely,

John V. Duck
CJD

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

MAY 4 10 41 AM '66

Paul Marshall
CLERK

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

NED W. HOLLINGSWORTH,)	IN THE CIRCUIT COURT OF
Plaintiff,)	MOBILE COUNTY, ALABAMA
vs.)	AT LAW
WILLIAM R. RUCKER,)	
Defendant.)	CASE NO. 19002

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

Sworn to and subscribed before me
this 30 day of April, 1966.

STATE OF ALABAMA MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON
Lucia Higbee
NOTARY PUBLIC
MAY 4 8 51 AM '66
Rich Manville
CLERK

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
Edw. Duck
Attorney for Def't

FRIDAY, JUNE 10, 1966

NED W. HOLLINGSWORTH)	
)	
HOCKLANDER -vs- 19002)	PLEA IN ABATEMENT GRANTED,
)	AND CASE TRANSFERRED TO
WILLIAM R. RUCKER)	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

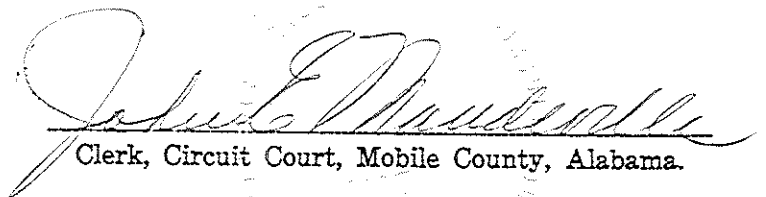
as rendered by the said Circuit Court on the 10th day of June, 1966, in the cause
entitled No. 19002 - NED W. HOLLINGSWORTH

_____, Plaintiff,
— versus — WILLIAM R. RUCKER

Defendant, (~~Together with the cancellation thereon~~), 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, 1966.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

C. C. LAW 34-5M-1-65

No. 19002

NED W. HOLLINGSWORTH Plaintiff

VS.

WILLIAM R. RUCKER Defendant

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

JOHN E. MANDEVILLE, Clerk