

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON  
LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:  
P. O. BOX 123

CABLE ADDRESS:  
HAD

TELEPHONE:  
432-5511  
AREA CODE 205

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
DONALD F. PIERCE  
LOUIS E. BRASWELL  
HAROLD D. PARKMAN  
G. PORTER BROCK, JR.  
HARWELL E. COALE, JR.  
STEPHEN G. CRAWFORD  
JERRY A. McDOWELL  
W. RAMSEY MCKINNEY, JR.  
LARRY U. SIMS  
C. WAYNE LOUDERMILCH

July 10, 1967

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

Re: Merchants National Bank, et al  
vs. Anderson  
Case Number 7285  
Circuit Court of Baldwin County

Dear Judge Mashburn:

Mr. Christian, who represents the defendant, and I  
have reached an understanding concerning the above case.  
The defendant, Mr. Anderson, is to pay the court costs.  
We would appreciate it very much if you would dismiss the  
case and have Mrs. Duck send the bill for court costs to  
Mr. Christian.

Thanks very much.

Yours very truly,

*Louis E. Braswell*  
For the Firm

LEB.mhb

cc: Forest A. Christian, Esq.

cc: Mrs. Alice J. Duck, Clerk

COPY

FOREST A. CHRISTIAN  
ATTORNEY AT LAW  
P. O. DRAWER 190  
AREA CODE 205 - PHONE 943-2201  
FOLEY, ALABAMA 36535

June 13, 1967

Messrs. Hand Arendall,  
Bedsole, Greaves & Johnston  
Thirtieth Floor  
First National Bank Building  
Mobile, Alabama  
ATTENTION: Louis Braswell, Esq.

Re: The Merchants National Bank  
of Mobile and The First National  
Bank of Mobile, as Co-Executors  
under the Last Will and Testament  
of Monte L. Moorer, deceased,  
Vs: W. F. Anderson

Dear Mr. Braswell:

Apparently this case has been transferred to the Baldwin County Court. The Defendant insists that the note was paid bank in 1960-61. He stated that the note was at the Bank of Citronelle for collection.

He sent payments over there, but they failed to return the note to him. He stated that some lady at the Bank handled the transaction. Please check to see whether or not is true because I am filing an answer that payment was made in full before suit, a copy of which is enclosed.

I doubt that you are serious in claiming \$2600 damages because Mr. Anderson closed his store many years ago and did not occupy the premises for several years. However, he does operate a store now under a new lease, with new owner of the Foley Hotel Building.

Cordially yours,  
ORIGINAL SIGNED  
FOREST A. CHRISTIAN

FOREST A. CHRISTIAN

Enclosure: Answer in above  
case.

—ON ALABAMA'S BEAUTIFUL GULF COAST—

THE MERCHANTS NATIONAL BANK X  
OF MOBILE and THE FIRST NATIONAL X  
BANK OF MOBILE, as Co-Executors X IN THE CIRCUIT COURT OF  
under the Last Will and Testament X BALDWIN COUNTY, ALABAMA  
of Monte L. Moorer, deceased, X  
PLAINTIFFS, X AT LAW  
VS: X CASE NO. \_\_\_\_\_  
W. F. ANDERSON, X  
DEFENDANT. X

ANSWER

Comes the Defendant, W. F. ANDERSON, and for answer to the Complaint filed in the above styled cause, states that:

1. To each and every Count of said Complaint, that the debt was paid in full before suit.
2. The Defendant denies that he is indebted to the Plaintiffs as claimed under Counts One, Two, Three and Four.
3. The Defendant pleads not guilty to all four counts of said complaint.

ATTORNEY FOR THE DEFENDANT

*Forest A. Christian*  
Forest A. Christian  
Attorney at Law  
Post Office Drawer 190  
Foley, Alabama 36535

**FILED**

JUN 14 1967

**ALICE J. DUCK** CLERK  
REGISTER

**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 this in a properly addressed envelope with adequate postage thereon.

**JUN 13 1967**

this the \_\_\_\_\_ day of \_\_\_\_\_  
*Forest A. Christian*  
Forest A. Christian  
Attorney for Defendant

CASE NO. 20051 - ERVIN

HAND, ARENDALL, BEDSOLE, GREAVES &  
JOHNSTON -  
BY: Louis E. Braswell

THE MERCHANTS NATIONAL BANK OF MOBILE and THE  
FIRST NATIONAL BANK OF MOBILE, as Co-Executors  
under the Last Will and Testament of Monte L.  
Moorer, Deceased

N.J.

VS. Suit for: Count I - \$607.22 due by promissory note (WAIVER)  
Count II- \$607.22 due by account  
Count III- \$2600.00 damages for breach of covenant  
Count IV - \$2600.00 due by account

FOREST A. CHRISTIAN- Foley, Alabama

W.F. ANDERSON

PLEADINGS, PROCESS, ETC. \* FILING DATE \*

1. Complaint & Summons \* 7-21-66

\* C & S served on Defendant on August 24, 1966.

2. Plea in Abatement \* 9-22-66

\* November 18, 1966- Plea in Abatement sustained; and case ordered transferred  
\* to Baldwin County. Robert T. Ervin, Jr.- Judge 34-478

614

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 22nd day of November, 1966.

John E. Maudselle, Clerk.

FILED  
JUN 20 1964  
U.S. DEPT. OF JUSTICE

THE MERCHANTS NATIONAL : IN THE CIRCUIT COURT OF  
 BANK OF MOBILE and THE :  
 FIRST NATIONAL BANK OF : MOBILE COUNTY,  
 MOBILE, as Co-Executors :  
 under the Last Will and : ALABAMA  
 Testament of Monte L. :  
 Moorer, Deceased, : AT LAW  
  
 Plaintiffs :  
  
 vs. :  
  
 W. F. ANDERSON, :  
  
 Defendant. : Case No. 20051

COUNT ONE

The Plaintiffs claim of the Defendant \$607.22, due by promissory note made by him on the 25th day of January, 1960, and payable on the 25th day of July, 1960, with interest thereon, costs of collection, and an attorney's fee. Plaintiffs aver that in said note Defendant waived all rights of exemption under the Constitution and laws of Alabama as to personal property.

COUNT TWO

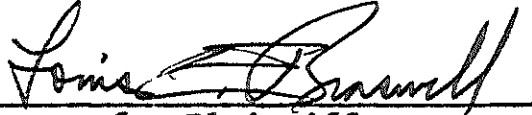
The Plaintiffs claim of the Defendant \$607.22 due from him by account on the 25th day of July, 1960, which sum of money, with the interest thereon, is still unpaid.

COUNT THREE

The Plaintiffs claim from the Defendant \$2600.00, damages for the breach of a covenant to pay rent, entered into by him on, to-wit, January 1, 1960, by which he promised to pay rent but which he did not pay.

COUNT FOUR

The Plaintiffs claim of the Defendant \$2600.00, due from him by account on the 28th day of February, 1962, which sum of money, with the interest thereon, is still unpaid.



Attorney for Plaintiffs  
First National Bank Building  
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Defendant may be served in Foley, Alabama.

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

JUL 21 4 35 PM '66



CLERK  
616

**THE STATE OF ALABAMA**  
MOBILE COUNTY

**CIRCUIT COURT**

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

W. F. ANDERSON

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 MERCHANTS NATIONAL BANK OF MOBILE and THE  
FIRST NATIONAL BANK OF MOBILE, as Co-Executors  
under the Last Will and Testament of Monte L.  
Moorer, Deceased

WITNESS: John E. Mandeville, Clerk of said Court, this 21st day of July, 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.

*Executed  
8/24/66  
Raymond Wilkins Jr.  
Raymond Eastburn D.*

Received 25 day of July 1966  
and on 24 day of August 1966  
I served a copy of this within  
on W. F. Anderson

By service on W. F. Anderson

Sheriff claims 10c miles at  
Ten Cents per mile Total \$ 7.20  
TAYLOR WILKINS, Sheriff  
By J. M. Braswell  
DEPUTY SHERIFF

TAYLOR WILKINS, Sheriff  
By J. M. Braswell  
Foley, Ala

mail  
No. 20051  
E  
JUDGE \_\_\_\_\_ DOCKET \_\_\_\_\_

CIVIL DIVISION  
**CIRCUIT COURT**  
MOBILE COUNTY

THE MERCHANTS NATIONAL BANK  
OF MOBILE and THE FIRST NATIONAL  
BANK OF MOBILE, as Co-Executors  
under the Last Will and Testament  
of Monte L. Moorer, Deceased

VS. } Complaint and Summons

W. F. ANDERSON

Foley

Issued 21st day of July, 1966

Defendant's Address  
  
/ Foley, Alabama

LOUIS E. BRASWELL  
Plaintiff's Attorney



THE MERCHANTS NATIONAL BANK  
OF MOBILE and THE FIRST NATIONAL  
BANK OF MOBILE, as Co-Executors  
under the Last Will and Testament  
of Monte L. Moorer, Deceased

Plaintiffs

vs:

W. F. ANDERSON,

Defendant


IN THE CIRCUIT COURT OF  
MOBILE COUNTY, ALABAMA

AT LAW

CASE NO. 20051


PLEA IN ABATEMENT ON VENUE

Comes the Defendant, specially, and for no other purpose, states that he is not now a resident of Mobile County, Alabama, and never has been a resident of said County. That he now resides and is domiciled and a resident citizen of Baldwin County, Alabama, and has been a resident of said County for more than 15 years. That his present address is 401 Orange Avenue, Foley, Baldwin County, Alabama.

  
Forest A. Chittenden  
Attorney at Law  
Foley, Alabama

W. F. Anderson, first being duly sworn, deposes and says that the facts alleged in this Plea of Abatement are true and correct.

  
W. F. ANDERSON

  
Notary Public in and for  
Baldwin County, Alabama.

CERTIFICATE OF SERVICE

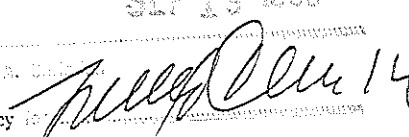
This is to certify that I have this day served counsel for the defendant in the above captioned matter with a copy of this pleading by depositing it in the United States Mail at the post office at Foley, Alabama, in a properly addressed envelope with return postage thereon.

This the \_\_\_\_\_ day of \_\_\_\_\_, 1986

SEP 19 1986

Forest A. Chittenden

Attorney for



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

SEP 22 8 55 AM '86

618

  
CLERK

FRIDAY, NOVEMBER 18, 1966

THE MERCHANTS NATIONAL BANK OF )  
MOBILE & THE FIRST NATIONAL BANK )  
OF MOBILE, as Co-Executors under )  
the Last Will & Testament of )  
Monte L. Moorer, Deceased )  
ERVIN -vs- 20051 )  
W.F. ANDERSON )

PLEA IN ABATEMENT SUSTAINED  
AND CASE ORDERED TRANSFERRED  
TO BALDWIN COUNTY

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed September 22, 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 September 22, 1966, in this cause be, and the same is hereby sustained, and case ordered transferred to Baldwin County, Alabama.

Minute Book 34

Page 478

STATE OF ALABAMA, }  
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

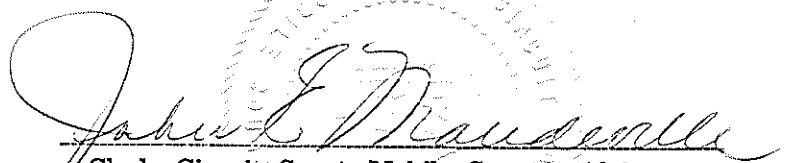
I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby  
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

as rendered by the said Circuit Court on the 18th day of November, 19 66, in the cause  
entitled No. 20051- THE MERCHANTS NATIONAL BANK OF MOBILE and THE  
FIRST NATIONAL BANK OF MOBILE, as Co-Executors under the Last Will and  
Testament of Monte L. Moorer, Deceased, Plaintiff,  
— versus — W.F. ANDERSON

Defendant, (~~Together with the cancellation thereof~~), as the same remains of record in this office in  
Minute Book No. 34, Page No. 478.

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 22nd day of November, 19 66.

ATTEST:

  
Clerk, Circuit Court, Mobile County, Alabama.

## CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 20051

THE MERCHANTS NATIONAL BANK OF MOBILE, et al

Plaintiff

VS.

W.F. ANDERSON

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.

Suits for \$100 or less	\$ 6.00		
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		80
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 percentage allowed Sheriffs	\$		
	\$		
Total	\$	20 00	80

## SHERIFF'S FEES

Pltff.

Deft.

Mileage \$7.20		
Serving Summons & Complaint	\$ 1.50	8 70
Serving Writ of Garnishment	1.50	
Serving Sci Fa.-Notices	1.50	
Levying Attachment & Return	6.25	
Executing Writ Possession	5.00	
Seizing personal property under Writ of Detinue	6.00	
Serving subpoenas, each	.75	
Impanelling Jury	.75	
Taking & Approving Bond	2.00	
Collecting Costs Execution	1.50	
Serving Contempt Writ	1.50	
Making Deed for Property sold	2.50	
Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3%		
	\$	
Total	\$	8 70

## RECAPITULATION

Clerk		20 00	80
Sheriff Taylor Wilkins-Baldwin County		8 70	
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			
		33.20	.80
		\$34.00	

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