

CASE NO. 21-000 - CHILLARD

N. J.

FILED
FEB 21 1967
CLERK
REGISTER

JULE O. BUNDY

John E. Raudenbush, Clerk.

#7287

THE AMERICAN NATIONAL BANK	Ø	IN THE CIRCUIT COURT OF
& TRUST COMPANY OF MOBILE,	Ø	MOBILE COUNTY, ALABAMA
A National Banking Association,	Ø	
Plaintiff,	Ø	AT LAW
-vs-	Ø	
JULE O. BUNDY,	Ø	
Defendant	Ø	CASE NO. <u>21506</u>

COUNT ONE

The Plaintiff claims of the Defendant the sum of, to-wit, ONE THOUSAND SIXTY-THREE DOLLARS (\$1063.00), balance due by promissory note, made by the Defendant, on, to-wit, May 6, 1965, and payable in thirty (30) successive monthly installments beginning on, to-wit, June 10, 1965, said note, which was payable to the order of Champion Auto Sales, Inc. was, prior to default, endorsed by Champion Auto Sales, Inc. in writing, and is now the property of the Plaintiff for which a valuable consideration has been paid. The Plaintiff further alleges that in said note and as a part of the consideration thereof, the Defendant agreed that in the event of default in the payment of any one of the said installments when due, the holder of said note 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 TWO HUNDRED TEN DOLLARS (\$210.00).

COUNT TWO

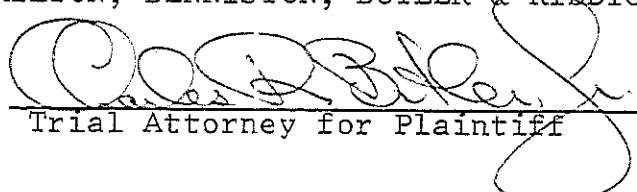
The Plaintiff claims of the Defendant the sum of, to-wit, TWENTY-FIVE AND 40/100 DOLLARS (\$25.40) balance due by promissory note, made by the Defendant, on, to-wit, June 12, 1964,

and payable in eighteen (18) successive monthly installments beginning on, to-wit, July 12, 1964, said note, which was payable to the order of Champion Auto Sales, Inc. was, prior to default, endorsed by Champion Auto Sales, Inc. in writing, and is now the property of the Plaintiff for which a valuable consideration has been paid. The Plaintiff further alleges that in said note and as a part of the consideration thereof, the Defendant agreed that in the event of default in the payment of any one of the said installments when due, the holder of said note 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 FIVE DOLLARS (\$5.00).

HAMILTON, DENNISTON, BUTLER & RIDDICK

BY


Trial Attorney for Plaintiff

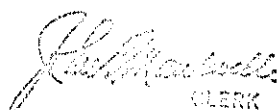
Defendant may be served at:

Star Route
Bay Minette, Alabama.

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

JAN 4 4 05 PM '67

659


CLERK

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

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

JULE O. BUNDY

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,
A National Banking Association

WITNESS: John E. Mandeville, Clerk of said Court, this 4 day of January, 1967

Attest: John E. Mandeville
Clerk

SHERIFF'S RETURN

Received day of , 19 and on 11 day
of Jan, 1967, I served a copy of
the within on
by service on

RAY D. BRIDGES, SHERIFF

By D.S.

C. LENOIR THOMPSON

Attorney-At-Law

BAY MINETTE, ALABAMA

Office Phone: 937-3921

36507

Residence Phone: 937-7487

January 23, 1967

Honorable John E. Mandeville
Clerk, Circuit Court
Mobile County
Mobile, Alabama

Case No. 21506 -

Re: The American National Bank
& Trust Company of Mobile,
A National Banking Association

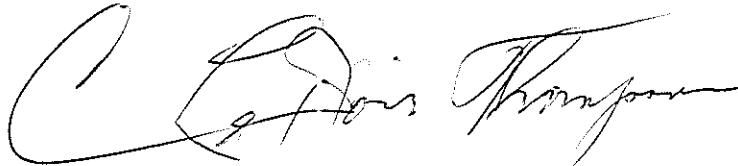
vs.

Jule O. Bundy

Dear Sir:

Will you please file the attached plea to the venue in the above styled cause and should the attorney for the plaintiff not confess my plea, let me know as to the date and time of setting.

Sincerely,

A handwritten signature in cursive script, reading "C. Lenoir Thompson". The signature is written in dark ink and is positioned below the typed name "C. Lenoir Thompson".

CLT/hm

THE AMERICAN NATIONAL BANK
& TRUST COMPANY OF MOBILE,
A National Banking Association,

Plaintiff

-vs-

JULE O. BUNDY

Defendant

X
X
X
X
X
X

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
AT LAW NO. 21506 *se*

PLEA IN ABATEMENT

Comes the defendant in the above-entitled cause, appearing specially and only for the purpose of filing this plea, and says that the said American National Bank & Trust Company of Mobile, a national banking association, plaintiff in this cause, ought not to have and maintain its said action for the defendant says separately and severally, as follows, to-wit:

FIRST

That the said defendant is a resident of Baldwin County, Alabama, and is not a resident of Mobile County, Alabama.

SECOND

That the said defendant resides at Star Route, Bay Minette, Alabama, Baldwin County, and resided at this address when the alleged contract was executed and has continued to reside at said address until the present date.

THIRD

That the said defendant has never resided in Mobile County, Alabama.

Wherefore, defendant says that the Circuit Court of Mobile County, Alabama, is without jurisdiction to try and determine this cause, and that this said action should be abated, and prays the judgment of this Honorable Court whether the plaintiff should be allowed to further maintain this suit.

Jule O. Bundy
Defendant

C. L. Thompson
Attorney for defendant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said County, in said State, personally appeared Jule O. Bundy, who, being known to me, and by me first duly sworn, deposes and says on oath: That he is the defendant in the above entitled cause and has personal knowledge of the facts stated in the foregoing pleas and that the said statements of fact therein contained are true.

Jule O Bundy

Sworn to and subscribed before me, this 20th day of January, 1967.

Helen M. Dorell
Notary Public, Baldwin County, Alabama

I hereby certify that I have this 23 day of Jan, 1967, mailed a copy of the foregoing Plea to the Venue to Honorable Charles R. Butler, Jr., attorney for the plaintiff, same having been mailed to him postage prepaid to the American National Bank Building, Mobile, Alabama.

C. LeDain Thompson

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

JAN 24 9 02 AM '67

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Paul Marshall
CLERK

FRIDAY, FEBRUARY 17, 1967

THE AMERICAN NATIONAL BANK &
TRUST COMPANY OF MOBILE, a
National Banking Association

GAILLARD -vs- 21506

JULE C. BUNDY

PLEA IN ABATEMENT SUSTAINED
AND CASE ORDERED TRANSFERRED
TO THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

This day in open Court came the parties by their attorneys, and Defendant's Plea in Abatement filed January 24, 1967, 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 January 24, 1967, in this cause, be, and the same is hereby sustained and case ordered transferred to the Circuit Court of Baldwin County, Alabama.

Minute Book 34

Page No. 847

STATE OF ALABAMA, }
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

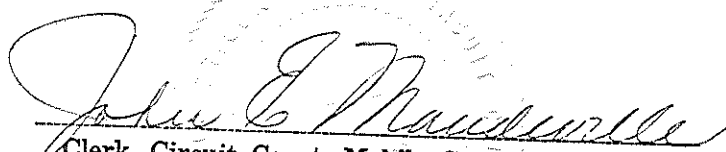
I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

as rendered by the said Circuit Court on the 17th day of February, 19 67, in the cause
entitled No. 21506 - THE AMERICAN NATIONAL BANK & TRUST COMPANY OF MOBILE,
a National Banking Association, Plaintiff,
— versus — JULE O. BUNDY

Defendant, ~~(together with the case remains in the court)~~, as the same remains of record in this office in
Minute Book No. 34, Page No. 847

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 20th day of February, 19 67.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 21506 THE AMERICAN NATIONAL BANK & TRUST COMPANY OF MOBILE, a Plaintiff
National Banking Association
JULE O. BUNDY 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.	SHERIFF'S FEES	Pltff.	Deft.
Suits for \$100 or less \$ 6.00			Mileage .80	2 30	
Suits for over \$100 but less than \$1,000 10.00			Serving Summons & Complaint \$ 1.50		
Suits for \$1,000 and over 20.00	20 00		Serving Writ of Garnishment 1.50		
Suits in detinue, ejectment, etc. 10.00			Serving Sci Fa.-Notices 1.50		
Suits not otherwise provided 10.00			Levying Attachment & Return 6.25		
Writs, Mandamus, Prohibition, etc. 15.00			Executing Writ Possession 5.00		
Appeals from Court General Sessions 15.00			Seizing personal property under Writ of Detinue 6.00		
Appeals from Probate Court 20.00			Serving subpoenas, each .75		
Appeals from JP Courts 6.00			Impanelling Jury .75		
Appeals from State Dept of Pub. Safety, and other State Agencies 10.00			Taking & Approving Bond 2.00		
Workmen's Compensation Settle. 10.00			Collecting Costs Execution 1.50		
Garnishment on Judgment 6.00			Serving Contempt Writ 1.50		
Order of Sale, Motions to sell. 6.00			Making Deed for Property sold 2.50		
Recording executions from State Agencies 3.00			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$		
Cert. Copy of Record - per 100 words .15		80			
Taking Appeal Bond .75			Total \$	2 30	
Record for Supreme Court etc., per 100 words .15					
Add'l Copies of Record for Supreme Court, per 100 words .05			RECAPITULATION		
Checking - including Reporters Transcript of Evidence 10.00			Clerk	20 00	80
Certifying Abstract in lieu of Transcript on Appeal 5.00			Sheriff Taylor Wilkins Baldwin County	2 30	
Collecting Money on Judgments over 30 days old, 1/2 the percentage allowed Sheriffs \$			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		
Total \$	20 00	80		\$26.80	.80

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