

MOLLY UMANSKY,

Plaintiff

-VS-

BENJAMIN UMANSKY,

Defendant

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 7,450

### NOTICE OF APPEAL

Comes now Molly Umansky, Plaintiff in above styled cause, by her attorney of record, Kenneth Cooper, and gives notice of appeal from the Order of Dismissal of the Circuit Court of Baldwin County, Alabama, At Law, rendered in this cause on the 1st day of December, 1970.

Dated this 19th of May, 1971.

  
ATTORNEY FOR PLAINTIFF

### CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Notice of Appeal to Honorable C. LeNoir Thompson by personally leaving a copy of same at his law office in Bay Minette, Alabama, on this 19th day of May, 1971.

  
ATTORNEY FOR PLAINTIFF

**FILED**

MAY 19 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

MOLLY UMANSKY,

Plaintiff

-VS-

BENJAMIN UMANSKY,

Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 7,450

SECURITY FOR COSTS

I, Kenneth Cooper, attorney for the above named Plaintiff,  
hereby acknowledge myself for all court costs involved in the  
appeal of this cause.

  
ATTORNEY FOR PLAINTIFF

*Taken + Approved*  
*this — day of May, 1971*  
*(Eunice B. Blackman)*  
*Clerk*

**THE STATE OF ALABAMA** }  
**Baldwin County - Circuit Court** }

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the .....1st day of December,  
 ..... Monday in ....., 19<sup>70</sup> in a cer-  
 tain cause in said Court wherein MOLLY UMANSKY  
 ..... Plaintiff, and BENJAMIN UMANSKY  
 ..... Defendant, a judgement was rendered against said  
 Plaintiff  
 to reverse which Dismissal the said Plaintiff  
 .....  
 .....  
 applied for and obtained from this office an APPEAL, returnable to the .....next  
 Term of our Court of Civil Appeals Court of the State of Alabama, to be held at Montgomery, on the .....  
 .....day of ....., 19..... next, and the necessary bond  
 having been given by the said Kenneth Cooper, Attorney for Plaintiff  
 ..... with ..... ~~sureties~~,

Now, You Are Hereby Commanded, without delay, to cite the said Benjamin Umansky  
 ..... or C. LeNoir Thompson  
 ....., attorney, to appear at the .....next  
 Term of our  
Court of Civil Appeals  
 said ~~Superior~~ Court, to defend against the said Appeal, if .....they..... think proper.  
EUNICE B. BLACKMON  
 Witness, ~~ARICE J. DICK~~ Clerk of the Circuit Court of said County, this ~~19~~ <sup>19<sup>th</sup></sup>  
 day of May, A. D., 19<sup>71</sup>.

Attest:

Eunice B. Blackmon Clerk.

7450

**CIRCUIT COURT**  
**Baldwin County, Alabama**

Molly Umansky

Vs. { Citation in Appeal

Benjamin Umansky

Issued \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Received 27 day of May 1971  
and on 27 day of May 1971  
I served a copy of the within collection  
on C. E. Thompson

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
BY W. G. Reel D.S.

Div. No. \_\_\_\_\_

CERTIFICATE OF APPEAL. (Civil Cases,)

No. 7450

BALDWIN County, Circuit Court.

MOLLY UMANSKY

Plaintiff.  
vs.

BENJAMIN UMANSKY

Defendant.

I, WINICE B. BLACKMON Clerk of CIRCUIT Court,  
of Baldwin County, Alabama, hereby certify that in the  
cause of MOLLY UMANSKY plaintiff,  
vs.

BENJAMIN UMANSKY defendant,  
which was ~~tried and determined~~ <sup>Dismissed</sup> in this Court on the 28th 1st day of  
June December 1970, in which there was a judgment for  
Dollars, in favor of the plaintiff, (or judgment  
for defendant,) the Plaintiff on the 19th day of  
May 19 71, took an appeal to the Court of Civil Appeals,  
of Alabama to be holden of and for said State.

I further certify that Kenneth Cooper, Attorney for the Plaintiff  
filed security for cost of appeal, to the Court of Civil Appeals Court, on  
the 19th day of May 19 71, and that Kenneth Cooper, Attorney  
is  
~~are~~ sureties on the appeal bond.

I further certify that notice of the said appeal was on the 27  
day of May 1971, served on Hon. C. LeNoir Thompson  
as attorney of record for said appellee, and that the amount sued for  
was One Thousand Five Hundred and no/100 - - plus interest Dollars. / (Or certain lands)  
(Or personal property.)

Witness my hand and the seal of this Court, this the 27  
day of May 19 71.

Winice B. Blackmon  
Clerk of the Circuit Court of  
Baldwin County, Alabama.

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT  
THE COURT OF CIVIL APPEALS OF ALABAMA

October Term 19 71-72

1 Div. No. 56

MOLLY UMANSKY

Appellant

v.  
BENJAMIN UMANSKY

Appellee

On appeal from BALDWIN Circuit Court

To the Clerk ~~Register~~ of the foregoing stated Court, Greeting:

Whereas, the record and proceedings of the Court below, in the above cause, were brought before the Court of Civil Appeals by appeal taken pursuant to law,

Now, it is hereby certified that upon consideration thereof the Court of Civil Appeals of Alabama, on the 26th day of April, 19 72, dismissed said appeal on motion of appellant

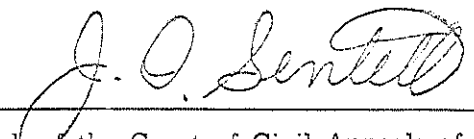
and ordered that appellant Molly Umansky

and Kenneth Cooper

sureties for the costs of appeal, pay the costs of appeal in this Court and in the Court below for which costs let execution issue.

~~- And it appearing that said parties have waived their rights of exemption under the laws of Alabama, it was ordered that execution issue accordingly. -~~

Witness, J. O. Sentell, Clerk of the Court of Civil Appeals of Alabama, at the Judicial Department Building, this the 26th day of April 19 72

  
Clerk of the Court of Civil Appeals of Alabama.

THE COURT OF CIVIL APPEALS  
OF ALABAMA

October Term, 19 71-72

1 Div., No. 56

Molly Umansky

*Appellant,*

v.

Benjamin Umansky

*Appellee.*

From Baldwin Circuit Court.

No. 7450

CERTIFICATE OF DISMISSAL

The State of Alabama,

Baldwin County. } Filed

this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

**FILED**

APR 27 1972

BROWN PRINTING CO. MOBILE  
EUNICE B. BLACKMON CLERK

MOLLY UMANSKY	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
BENJAMIN UMANSKY	X	AT LAW NO. 7450
Defendant	X	

Comes the defendant in the above-entitled cause, appearing specially and only for the purpose of filing this plea, and says that the said Molly Umansky, plaintiff in this cause, ought not to have and maintain her said action for the defendant says separately and severally, as follows, to-wit:

FIRST

That the said defendant is a resident of St. Louis County, St. Louis, Missouri, and is not a resident of Baldwin County, Alabama.

SECOND

That the said defendant's permanent address is St. Louis County, St. Louis, Missouri, and said defendant resided at this address when the alleged judgment was obtained and has continued to reside at said address until the present date.

WHEREFORE, defendant says that the Circuit Court of Baldwin 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.

Benjamin Umansky  
Defendant

C. Lenoir Thompson  
C. LENOIR THOMPSON  
Attorney for defendant

FILED

MAY 8 1967

ALICE L. DICK, CLERK  
REGISTER



STATE OF MISSOURI

COUNTY OF St. Louis

Before me, Nancy C. Mills, a Notary

Public, in and for said County, in said State, personally appeared Benjamin Umansky, 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.

Nancy C. Mills

Sworn to and subscribed before me, this the 3rd day of May, 1967.

Nancy C. Mills  
Notary Public

Commission Expires:  
Jan. 31, 1969

I hereby certify that I have served a copy of the foregoing plea to the venue in the above styled cause on Honorable Kenneth Cooper, attorney for the plaintiff, by depositing same in the U. S. Mail, postage prepaid, to his address in Bay Minette, Alabama, this 8 day of May, 1967.

C. L. Davis Thompson  
Attorney for defendant

FILED

MAY 8 1967

ALICE J. RICK, CLERK  
REGISTER

MOLLY UMANSKY,  
Plaintiff,  
Vs.

Y  
Y  
Y  
Y  
Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
CASE NO. 7450

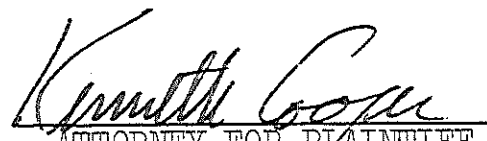
BENJAMIN UMANSKY,  
Defendant.

AMENDED COMPLAINT

Comes now Plaintiff in above-styled cause, by her attorney of record, Kenneth Cooper, Esquire, and amends her complaint heretofore filed in this cause, by adding COUNT TWO thereto, to read as follows, to-wit:

COUNT TWO

Plaintiff claims of the Defendant the sum of One Thousand Five Hundred, (\$1,500.00), Dollars, with interest thereon at 6% per annum thereon, from the 3rd day of May, 1967, for that on said date Plaintiff recovered a judgment against the Defendant before Hon. Michael J. Carroll, Judge of Circuit Court, Division No. 15, 21st Judicial Circuit, in and for St. Louis County, Missouri, in the sum of One Thousand Five Hundred, (\$1,500.00), Dollars, due for attorney fees, as appears more fully on records of said Court. Plaintiff avers that the judgment above noted, Case No. 267-268, was had and obtained on said date for legal services rendered to Plaintiff for benefit of above described account. Plaintiff further 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.

  
ATTORNEY FOR PLAINTIFF

FILED

SEP 18 1967

CLERK  
REGISTER

VOL

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I hereby certify that I delivered a copy of the foregoing  
AMENDED COMPLAINT to the office of C. Lenoir Thompson, Attorney  
for Defendant, in Bay Minette, Alabama, on this 16 day of  
September, 1967.

Kenneth Cooper  
ATTORNEY FOR PLAINTIFF

FILED

SEP 1 1967

FILED J. B. B. CLERK  
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

MOLLY UMANSKY,

Plaintiff,

Vs.

BENJAMIN UMANSKY,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO.

2450

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 certification being authorized under the provisions of Title 1, Section 17, Code of Alabama, Recompiled 1953.

Subscribed and sworn to before me this 45<sup>th</sup> day of April, 1967.

FILED

APR 5 1967

ALICE L. HUN, CLERK  
REGISTERED

VOL

66 PAGE 289

MOLLY UMANSKY

Plaintiff

vs

BENJAMIN UMANSKY

Defendant

X

X

X

( )

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

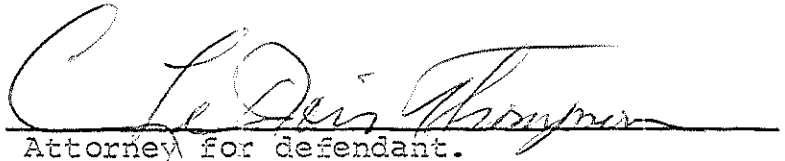
AT LAW

NO. 7450

Comes the defendant in the above styled cause and demands  
a trial by jury.

  
Attorney for defendant

I hereby certify that I have this 8th day of May, 1967,  
mailed a copy of the foregoing, postage prepaid to Honorable  
Kenneth Cooper, attorney for the plaintiff to his address in  
Bay Minette, Alabama.

  
Attorney for defendant.

FILED

MAY 8 1967

AM I SEE, CLERK  
REGISTER

MOLLY UMANSKY

Plaintiff

vs

BENJAMIN UMANSKY

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 7450

Comes 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.

I hereby certify that I have this 11 day of August, 1967, served a copy of the foregoing answer on Honorable Kenneth Cooper, Attorney for plaintiff by depositing copy of same in the U. S. Mail, postage prepaid, properly addressed to his office in Bay Minette, Alabama.

  
Attorney for defendant.

FILED

AUG 11 1967

MOLLY UMANSKY

X

PLAINTIFF

X

IN THE CIRCUIT COURT OF

VS

X

BALDWIN COUNTY, ALABAMA

BENJAMIN UMANSKY

X

AT LAW NO. 7450

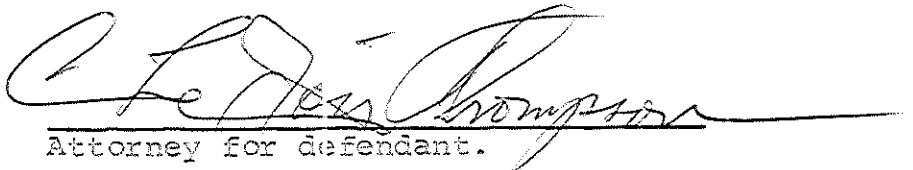
DEFENDANT

X

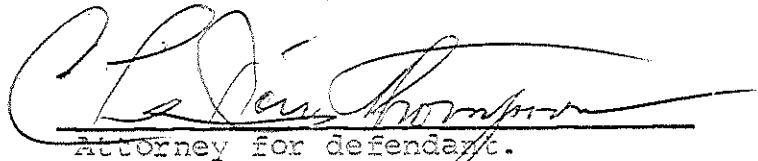
Comes Benjamin Umansky by C. LeNoir Thompson, his attorney of record and moves this Honorable Court to dismiss the above styled cause and as grounds for said motion shows unto this Honorable Court as follows:

1. The said action at law is moot in that the said defendant does not own any property in Baldwin County Alabama.

Wherefore, this motion.

  
Attorney for defendant.

I hereby certify that I have this 19 day of October, 1967, served a copy of the foregoing motion on Honorable Kenneth Cooper, attorney for plaintiff, by mailing copy of same to his office in Bay Minette, Alabama.

  
Attorney for defendant.

FILED

OCT 21 1967

ALICE J. BUCK

CLERK  
REGISTER

MOLLY UMANSKY,

Plaintiff,

VS

BENJAMIN UMANSKY,

Defendant

X

IN THE CIRCUIT COURT OF

X

BAWDWIN COUNTY, ALABAMA

X


AT LAW.

X

CASE NO. 7450

X

Comes the defendant in the above styled cause and moves this Honorable Court to dismiss the complaint filed in said cause or in the alternate to require the plaintiff to deposit sufficient costs in said cause to satisfy the clerk for all costs incurred inasmuch as said plaintiff is a non-resident of the State of Alabama.

  
ATTORNEY FOR DEFENDANT

I hereby certify that I have mailed a copy of the foregoing to Hon. Kenneth Cooper, Attorney at Law, Bay Minette, Alabama, by depositing the same in U. S. Mail, postage prepaid, at Bay Minette, Alabama, on this 31 day of July, 1967.

  
ATTORNEY FOR DEFENDANT

**FILED**

VOL 66 PAGE 296

AUG 1 1967

**ALICE J. DUCK** CLERK  
REGISTER



MOLLY UMANSKY

PLAINTIFF

VS

BENJAMIN UMANSKY

DEFENDANT

CASE NO. 7450

MOLLY UMANSKY,  
Plaintiff,  
Vs.  
BENJAMIN UMANSKY,  
Defendant.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
CASE NO. 7450

AMENDED COMPLAINT

Comes now Molly Umansky, Plaintiff in above-styled cause, by her attorney of record, Kenneth Cooper, and amends her complaint heretofore filed in this cause, as follows, to-wit:

After the word "court", which is the fifth word on line 8 of Count One, add the following ", which said sum remains unpaid"; in all other respects the complaint and Count One remains unchanged.

*Kenneth Cooper*  
ATTORNEY FOR PLAINTIFF

I hereby certify that I have mailed a copy of the foregoing AMENDED COMPLAINT to Hon. C. Lenoir Thompson, Attorney At Law, Bay Minette, Alabama, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this 17 day of July, 1967.

*Kenneth Cooper*  
ATTORNEY FOR PLAINTIFF

**FILED**

JUL 17 1967

**ALICE J. DUCK** CLERK  
REGISTER

MOLLY UMANSKY

Plaintiff

vs

BENJAMIN UMANSKY

Defendant

X

X

X

X

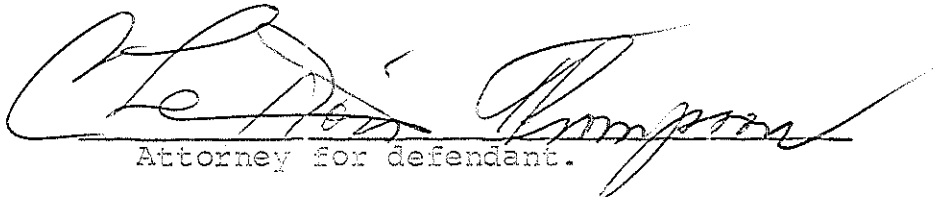
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IN THE CIRCUIT COURT OF

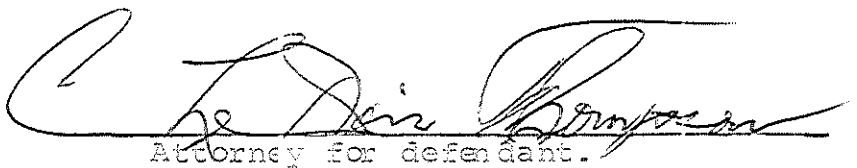
FALDWIN COUNTY, ALABAMA

AT LAW NO. 7450

Comes Benjamin Umansky defendant in the above styled cause by his attorney, C. LeNoir Thompson, and moves this Honorable Court to strike the amendment filed in said cause in that said amended complaint should be amended in one instrument and not by addition or deletion of words, letters or figures through a separate filing whereby the allegations originally prepared are varied.

  
Attorney for defendant.

I hereby certify that I have mailed a copy of the foregoing Motion to Strike to Hon. Kenneth Cooper, Attorney at Law, Bay Minette, Alabama, by depositing the same in U. S. Mail, postage prepaid, at Bay Minette, Alabama, on this 21 day of July, 1967.

  
Attorney for defendant.

**FILED**

JUL 21 1967

**ALICE J. DUCK** CLERK  
REGISTER

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, or wherever he may be found, 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 Molly Umansky, Plaintiff.

Witness my hand this 5 day of April, 1967.

Alice D. Luck CLERK.

\*\*\*\*\*

MOLLY UMANSKY,	§	IN THE CIRCUIT COURT OF
Plaintiff,	§	BALDWIN COUNTY, ALABAMA
Vs.	§	AT LAW
BENJAMIN UMANSKY,	§	CASE NO. <u>7452</u>
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 C. Cogan*  
ATTORNEY FOR PLAINTIFF

FILED

APR 5 1967

ALICE J. BUCK, CLERK  
REGISTER