

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

CASE NO. 22266 - HOCKLANDER

B.F. STOKES, III

MOBILE ASPHALT COMPANY, INC., a corporation

N.J.

VS. Suit for \$4,708.53 due on itemized, verified account.

C. LeNOIR THOMPSON  
Bay Minette, Ala. 36507

JOHN T. ROUNDTREE

*****		*****	
PLEADINGS, PROCESS, ETC.	* FILING DATE *	*****	
*****		*****	
1. Complaint & Summons	* 3-29-67 *	C & S served on Defendant on April 4, 1967.	
2. Itemized, Verified Account	* 3-29-67 *		
3. Plea in Abatement of Venue	* 4-21-67 *	April 28, 1967 - Plea in Abatement confessed and sustained and Case ordered transferred to Circuit Court of Baldwin County, Alabama.	
	* *	Joseph M. Hocklander, Judge	
	* *		
	* *		
	* *		
	* *		
	* *		
	* *		
	* *		

34-317

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 1st day of May, 1967.

*John E. Mandeville*, Clerk.

FILED  
MAY 3 1967  
CLERK OF DISTRICT COURT

MOBILE ASPHALT COMPANY,  
INC., a corporation

Plaintiff

VS

JOHN T. ROUNDTREE

Defendant


) IN THE CIRCUIT COURT OF

) MOBILE COUNTY, ALABAMA

) AT LAW

) Case No. 22266

Plaintiff claims of the defendant \$4,708.53 due from him by account on December 31, 1966, which sum of money with the interest thereon, is still unpaid. This suit is filed on an itemized verified account, which will be offered in evidence at trial.

  
Attorney for Plaintiff  
B. F. Stokes, III  
P. O. Box 293  
Mobile, Alabama

Serve defendant at  
Bay Minette, Alabama

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

MAR 29 9 53 AM '67

  
CLERK

COUNTY OF MOBILE

STATE OF ALABAMA

Be it remembered, that on this \_\_\_\_\_ day of \_\_\_\_\_  
A. D., 19\_\_\_\_, personally appeared before me, the undersigned authority,  
Edwin D. Rhodney  
who being duly sworn, upon his oath stated that he is \_\_\_\_\_ known to me  
of Mobile Asphalt Company, Inc.  
{ a corporation organized and doing business under the laws of the State of Alabama  
and has been duly authorized by said corporation to make this affidavit  
a partnership composed of \_\_\_\_\_

a sole trader doing business as \_\_\_\_\_  
and that as such he makes this affidavit; that he is familiar with the books and business of  
said Mobile Asphalt Company, Inc.  
John T. Roundtree \_\_\_\_\_ of \_\_\_\_\_; that the attached account against  
is just and correct, within the knowledge of this affiant, that the items thereon stated and com-  
posing the said account were sold and delivered to said John T. Roundtree

at { its }  
their } special instance and request, that credit has been duly given for all payments and  
his }  
just and lawful offsets to which said account is entitled as thereon stated, and that the balance  
thereof, amounting to the sum of \_\_\_\_\_ Dollars  
(\$ 4,708.53.) with interest from \_\_\_\_\_  
remains unpaid.

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

19 66 is justly due and

X

I hereby certify under my official seal that I am authorized as a Notary Public to  
administer oaths under the laws of the State of \_\_\_\_\_  
and that the foregoing was subscribed and sworn to before me on the day and year  
first above stated.

Notary Public

OFFICE & PLANT:  
5TH STREET AT TURNER ROAD  
WHISTLER, ALABAMA

Mobile Asphalt Company, Inc.

QUALITY PLANT - MIX ASPHALT PRODUCTS  
READY MIX CONCRETE  
P. O. BOX 5188  
WHISTLER, ALABAMA 36612

John T. Roundtree  
Bay Minette, Alabama 36507

[illegible]

F 457-1321

QUALITY PLANT - MIX ASPHALT PRODUCTS  
READY MIX CONCRETE  
P. O. BOX 5188  
WHISTLER, ALABAMA 36612

DATE:  
TERMS:

[illegible]

OFFICE & PLANT:  
5TH STREET AT TURNER ROAD  
WHISTLER, ALABAMA

Mobile Asphalt Company, Inc.

## READY MIX CONCRETE

P. O. BOX 5188

WHISTLER, ALABAMA 36612

John T. Roundtree  
Bay Minette, Alabama 36507

DATE:

**TERMS:**

[illegible]

**THE STATE OF ALABAMA**  
MOBILE COUNTY

**CIRCUIT COURT**

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

JOHN T. ROUNDTREE

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

MOBILE ASPHALT COMPANY, INC., a corporation

WITNESS: John E. Mandeville, Clerk of said Court, this 29 day of March, 1967

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.

MAR 30 3 55 PM '67

BY \_\_\_\_\_

*mail* No. 22266 -H  
JUDGE \_\_\_\_\_ DOCKET \_\_\_\_\_

CIVIL DIVISION

**CIRCUIT COURT**  
MOBILE COUNTY

MOBILE ASPHALT COMPANY, INC.,  
a corporation

VS. } Complaint and Summons

JOHN T. ROUNDTREE

Issued 29 day of March, 19 67

Defendant's Address

Bay Minette, Alabama

B. F. STOKES, III

Plaintiff's Attorney

ed 3 day of April, 19 67

4 day of April, 19 67

ed a copy of this within 10 days

John T. Roundtree

\_\_\_\_\_

vice on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By W. A. Tolbert

2 miles South  
of B.M.



MOBILE ASPHALT COMPANY,  
INC., a corporatin

Plaintiff

vs

JOHN T. ROUNDTREE

Defendant

X  
X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

AT LAW

CASE NO. 22266 - *H*

Comes the defendant in the above-entitled cause, appearing specially and only for the purpose of filing this plea, and says that the said Mobile Asphalt Company, Inc., a corporation, 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's permanent address is Bay Minette, Baldwin County, Alabama, where he presently resides and said defendant resided at this address when the alleged contract was executed and has continued to reside at said address until the present date.

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.

*John T. Roundtree*  
Defendant

*C. LeNair Thompson*  
C. LeNair Thompson,  
Attorney for defendant  
P. O. Box 359  
Bay Minette, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Helen McDowell, a  
Notary Public, in and for said County, in said State, personally  
appeared John T. Roundtree, 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.

John T Roundtree

Sworn to and subscribed before me, this the 19 day of

April, 1967.

Helen McDowell  
Notary Public, Baldwin County, Alabama

I hereby certify that I have this 19 day of April, 1967,  
mailed a copy of the foregoing Plea to the Venue to Honorable  
B. F. Stokes, III, attorney for the plaintiff to his address in  
Mobile, Alabama. *delivery same by hand to Hon. B. F. Stokes, III,*  
atty -

LeDoris Thompson

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

APR 21 11 27 AM '67

867

Paul Marshall  
CLERK

FRIDAY, APRIL 28, 1967

MOBILE ASPHALT COMPANY, INC.,	)	PLEA IN ABATEMENT CONFESSED
a Corp.	)	AND SUSTAINED, AND CASE ORDERED
	)	TRANSFERRED TO CIRCUIT COURT OF
HOCKLANDER        -vs-        22266	)	BALDWIN COUNTY, ALABAMA
JOHN T. ROUNDTREE	)	

This day in open Court came the parties by their attorneys, and plaintiff in open Court on this day confessed defendant's Plea in Abatement filed April 21, 1967, in this cause; It is ordered and adjudged by the Court that defendant's said Plea in Abatement filed April 21, 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 35

Page 317

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

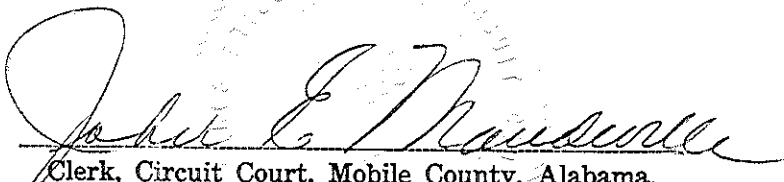
as rendered by the said Circuit Court on the 28th day of April, 1967, in the cause  
entitled No. 22266 - MOBILE ASPHALT COMPANY, INC., a Corporation

\_\_\_\_\_, Plaintiff,  
— versus — JOHN T. ROUNDTREE

Defendant, (~~together with the cancellation thereof~~), as the same remains of record in this office in  
Minute Book No. 35, Page No. 317

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 1st day of May, 1967.

ATTEST:

  
Clerk, Circuit Court, Mobile County, Alabama.

## STATE OF ALABAMA

Baldwin County

TO JOHN T. ROUNDTREE, Defendant.....

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of..

MOBILE ASPHALT COMPANY, INC.

Plaintiff.....

versus JOHN T. ROUNDTREE, Defendant.....

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which .....

BALDWIN COUNTY BANK

has<sup>s</sup> been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the .....

18 day of January, 1972

  
Clerk of the Circuit Court.

7500 1/2

NOTICE  
TO DEFENDANT OF GARNISHMENT  
BY  
CLERK OF CIRCUIT COURT  
BALDWIN COUNTY, ALABAMA  
TO  
JOHN T. ROUNDTREE

MOBILE ASPHALT COMPANY, INC.

Plaintiff....

VS.

JOHN T. ROUNDTREE

Defendant....

APR 21 1972

TAYLOR WILKINS  
SHERIFF

Return on 21 day of April 1972  
and on 15 day of April 1972  
I served a copy of the within  
on John T. Roundtree  
By W. A. Collier  
Taylor Wilkins Sheriff  
Ten Cents per mile Total \$  
Taylor Wilkins Sheriff  
By W. A. Collier  
Deputy Sheriff

TAYLOR WILKINS  
W. A. Collier

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

CIRCUIT COURT, BALDWIN COUNTY

..... TERM, 19.....

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular..... Term, 19....., of the Circuit Court of Baldwin County, to-wit: On the 19th day of September, 1967, being a regular day of said term, Mobile Asphalt Company, Inc.

recovered judgment against John T. Roundtree

for the sum of \$1,708.53 Dollars, and cost of suit, and affidavit having been made by Ben Stokes, Attorney for Plaintiff that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the following named persons or corporations, vis:

Baldwin County Bank

has or is believed to have in its possession, or under its control money or effects belonging to said defendant John T. Roundtree or that it is, or is believed to be indebted to said defendant John T. Roundtree or to be liable to them, or to one of them on a contract for the delivery of personal property, on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

You Are Therefore Hereby Commanded to Summon Baldwin County Bank

to file an answer in duplicate to the Circuit Court for Baldwin County, at the Court House thereof, in the city of Bay Minette, within 30 days from the service of the garnishment, or at the making its answer, or at any time intervening the time of serving the garnishment, and making the answer it was indebted to said defendant John T. Roundtree and whether it will not be indebted in future to said defendant by a contract then existing, and whether by a contract then existing it is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether it has not in its possession or under its control money or effects belonging to the defendant, John T. Roundtree

Herein fail not, and have you then and there this Writ.

Eunice B. Blackmon

Witness, ....., Clerk of said Court, this 18th day of Jan. A. D., 1972.

Issued 18th day of Jan. A. D., 1972

ATTEST:

Eunice B. Blackmon Clerk

Received 21 day of Jan. 1972  
and on 26 day of Jan. 1972  
I served a copy of the writ on Baldwin Co. Bank  
on Jan. 21 1972

Short claim: \_\_\_\_\_ miles at \_\_\_\_\_

Ten cents per mile Total \$ \_\_\_\_\_

TAYLOR WILKINS, Sheriff

BY \_\_\_\_\_ DEPUTY SHERIFF

By W. A. Wilkins Sheriff

W. A. Wilkins

35887

CIRCUIT COURT, BALDWIN COUNTY

No. 7500 1/2

MOBILE ASPHALT COMPANY, INC.

VS. }

GARNISHMENT ON JUDGMENT

JOHN T. ROUNDTREE  
4 Boulder Ave.  
Bay Minette

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

Returnable \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

JAN 21 1972

TAYLOR WILKINS  
SHERIFF

Ben Stokes

Attorney

Moore Printing Co. - Bay Minette, Ala.



75002  
400953

**AFFIDAVIT FOR GARNISHMENT  
ON JUDGMENT**

**THE STATE OF ALABAMA**  
~~MOBILE~~ COUNTY  
 BALDWIN

# CIRCUIT COURT

Notary Public

Baldwin

Personally appeared before me, ~~John E. Mandeville, Clerk of the Circuit Court~~ in and for ~~Mobile~~ County  
 and State aforesaid ..... Ben Stokes .....

who being duly sworn, on oath says, that on the 19 day of September, 19 67  
 in the Circuit Court of ~~Mobile~~ Baldwin County, in Case No. 7500 The Plaintiff  
 Mobile Asphalt Company, Inc.

recovered a judgment against John T. Roundtree  
 the Defendant, whose address  
 is 4 Bouler Avenue, Bay Minette, Alabama  
 for the sum of \$1,708.53 (balance on judgment)

Dollars, besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect;  
 that Baldwin County Bank

whose address is 119 Courthouse Square, Bay Minette, Alabama

is supposed to be indebted to or have effects of the said John T. Roundtree

in its possession or under its  
 control, and that he believes process of Garnishment against the said

Baldwin County Bank

is necessary to obtain satisfaction of said Judgment.

*Ben Stokes*

Sworn to and subscribed this 14

day of January A.D., 19 72

*Michael K. [Signature]*  
 NOTARY PUBLIC

**FILED**

JAN 18 1972

EUNICE B. BLACKMON  
 CIRCUIT CLERK

No.....

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**CIRCUIT COURT**

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.....

MOBILE ASPHALT CO., INC.  
Plaintiff

Vs.

JOHN T. ROUNDTREE  
Defendant  
BALDWIN COUNTY BANK  
Garnishee

.....

**AFFIDAVIT FOR GARNISHMENT  
ON JUDGMENT**

---

Filed in Office,

.....19.....

.....  
Clerk.

---

GIBBONS, STOKES & CLARK

ATTORNEYS AT LAW  
160 CONGRESS STREET  
MOBILE, ALABAMA  
TELEPHONE 433-2611

E. GRAHAM GIBBONS  
BEN STOKES  
ROBERT F. CLARK

March 10, 1972

MAILING ADDRESS  
P. O. BOX 293  
MOBILE, ALABAMA 36601

Mrs. Eunice B. Blackmon, Clerk  
Circuit Court  
Baldwin County Courthouse  
Bay Minette, Alabama

RE: Mobile Asphalt Co., Inc. vs John T. Roundtree  
Baldwin County Bank - Garnishee, (Original  
Case No. 7500) ✓

Dear Mrs. Blackmon:

The above case is set for March 13 but it is simply on a garnishment. An answer has been filed and I enclose a motion for judgment of condemnation. I would appreciate it if you would present this to the Judge in advance so that if indicated, the case can be removed from the docket for March 13.

Thank you for your attention.

Sincerely,

  
Ben Stokes

BS/cs

Enclosur


MOBILE ASPHALT COMPANY, INC. ) IN THE CIRCUIT COURT  
Plaintiff ) OF BALDWIN COUNTY,  
VS ) ALABAMA.  
JOHN T. ROUNDTREE )  
Defendant ) AT LAW.  
BALDWIN COUNTY BANK )  
Garnishee CASE NO.

MOTION FOR JUDGMENT OF CONDEMNATION

Comes now the plaintiff in the above styled cause and shows unto the Court that a garnishment was filed against the Baldwin County Bank and that said garnishee filed an answer that they were indebted for \$38.91.

WHEREFORE, plaintiff moves the Court to enter an order of condemnation, condemning said funds and thereupon to discharge the garnishee as to the balance.

GIBBONS, STOKES & CLARK

BY:   
BEN STOKES  
Attorney for Plaintiff

FILED

MAR 13 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

MOBILE ASPHALT COMPANY, INC., )  
 )  
Plaintiff, )  
 )  
VS. )  
 )  
JOHN T. ROUNDTREE, )  
 )  
Defendant, )  
 )  
AND )  
 )  
BALDWIN COUNTY BANK, )  
 )  
Garnishee. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW 7500 1/2

ANSWER OF GARNISHEE

Now comes Baldwin County Bank, a corporation, by and through J. A. Wurst, as its Executive Vice President and Cashier, who being duly sworn, deposes and says, that he is an officer of Baldwin County Bank, a corporation, and has personal knowledge of the facts herein stated and is authorized to sign this answer to said garnishment and for answer to same, says: That at the time of the service of said writ of garnishment and that at the time of making this answer said garnishee was indebted to the said defendant, John T. Roundtree, in the sum of Thirty-eight and 91/100 Dollars (\$38.91), that it will not be indebted in the future to said defendant by contract then or now existing; that it will not be liable to said defendant for the delivery of personal property or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and garnishee has not in its possession or under its control money or effects belonging to the defendant other than as aforesaid.

Having fully answered said garnishment, the said garnishee prays to be hence dismissed with its reasonable costs for making this answer.

BALDWIN COUNTY BANK,  
a corporation.

By   
As its Executive Vice President and  
Cashier

STATE OF ALABAMA   )  
                              \*  
BALDWIN COUNTY     )

Before me, the undersigned authority, personally appeared J. A. Wurst, who first being duly and legally sworn deposes and says: That he is Executive Vice President and Cashier of Baldwin County Bank, a corporation; that the above and foregoing answer is true and correct to the best of his knowledge and belief.

Sworn to and subscribed before me  
on this the 15<sup>th</sup> day of February, 1972

Linda L. Stacy  
Notary Public, Baldwin County, Alabama

**FILED**

FEB 21 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK