

Our File No. 67-234

Your File No. _____

Law Offices

E. G. RICKARBY
35 SOUTH SECTION STREET
FAIRHOPE, ALABAMA 36532

CODE 205
Telephone: 928-9836

Mailing Address
P. O. BOX 471

February 4, 1969

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama 36507

Dear Mrs. Duck:

Inre: William P. Donoghue vs. James Hundley
Case No. 7602

With this I am handing you Motion to satisfy decree by dismissal. Please process.

Copy has been served on Mr. Cooper.

Yours very truly,

EGR/jlb
Encl.
cc: Mr. Kenneth Cooper
2-11-69

WILLIAM P. DONOGHUE,
Plaintiff,
VS.
JAMES HUNDLEY,
Defendant.

X
X IN THE CIRCUIT COURT OF
X BALDWIN COUNTY, ALABAMA
X AT LAW.
X CASE NO. 7602
X

Comes the Plaintiff in the above styled cause and respectfully shows to the Court that he was not able to attend Court when the above styled cause was set for trial for the following reasons, namely:

1. That he received notice, which was mailed to him on the 25th day of January, but it was not opened until Monday January 27th at 10:00. At that time, he twice made an effort to get in touch with his Attorney, E. G. Rickarby, but was unable to do so.

2. That he was unable to attend Court because he did not know in what Court his case was pending; therefore he did not attend.

WHEREFORE, Plaintiff moves that the dismissal of this case made on the 28th day of January, 1969, be set aside and the case set for trial.


W. P. DONOGHUE, Plaintiff

Subscribed and Sworn to before
me this the 31 day of Jan,
1969.


Notary Public, Mobile County, Alabama

FILED

FEB 7 1969

ALICE J. DUCK CLERK
REGISTER

WILLIAM P. DONOGHUE,

Plaintiff,

VS.

JAMES HUNDLEY,

Defendant.

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

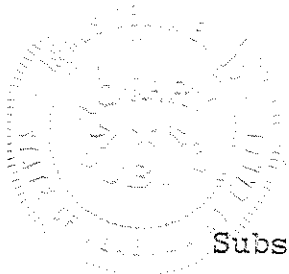
CASE NO. 7602

Comes the Plaintiff in the above styled cause and respectfully shows to the Court that he was not able to attend Court when the above styled cause was set for trial for the following reasons, namely:

1. That he received notice, which was mailed to him on the 25th day of January, but it was not opened until Monday, January 27th at 10:00. At that time, he twice made an effort to get in touch with his Attorney, E. G. Rickarby, but was unable to do so.

2. That he was unable to attend Court because he did not know in what Court his case was pending; therefore he did not attend.

WHEREFORE, Plaintiff moves that the dismissal of this case made on the 28th day of January, 1969, be set aside and the case set for trial.



W. P. Donoghue
W. P. DONOGHUE, Plaintiff

Subscribed and Sworn to before
me this the 31 day of Jan,
1969.

Agnes Helen Ellis
Notary Public, Mobile County, Alabama.

FILED

FEB 7 1969

ALICE J. DUCK CLERK
REGISTER

WILLIAM P. DONOGHUE,

Plaintiff,

VS.

JAMES HUNDLEY,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

MOTION TO AMEND

Comes the Plaintiff in the above-styled cause, WILLIAM P. DONOGHUE, and moves authority to amend the Summons and Complaint filed in this cause by changing these instruments to show that they are filed in Baldwin, not Mobile, County, as was inadvertently done. See amended Bill of Complaint.


E. G. RICKARBY, Attorney for
Plaintiff.

CERTIFICATE OF SERVICE

This is to certify that I have this day saved 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 an envelope with adequate postage prepaid thereon and properly addressed.

This, 14 day of

Oct

1967

E. G. RICKARBY



Attorney for
P. O. Box 471, Fairhope, Ala. 36532

STATE OF ALABAMA,
COUNTY OF MOBILE.

CIRCUIT COURT, MOBILE COUNTY,
NO. 7602
TERM, 1967.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon JAMES HUNDLEY, to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Mobile County, State of Alabama, at Mobile, against JAMES HUNDLEY, defendant, by WILLIAM P. DONOGHUE, Plaintiff.

WITNESS my hand this 10 day of July, 1967.

Reingeluck Clerk.

WILLIAM P. DONOGHUE,

Plaintiff,

VS.

JAMES HUNDLEY,

Defendant.

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IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA.

COMPLAINT

Count I.

The Plaintiff claims of the Defendant TWO HUNDRED FORTY-EIGHT AND 96/100 (\$248.96) DOLLARS due by Promissory Note made by him on, to-wit, the 31st day of March, 1965, due \$25.00 per month thereafter, until paid in full, first payment to be made on the 30th day of April, 1965. Plaintiff avers that in and by the terms of said Note above-described, the Defendant waived all rights of exemptions as provided by the Laws of the State of Alabama, of which the Plaintiff claims the benefit thereof in this action and, further, shows that according to the terms of said above-described Note, the Defendant further agreed to pay a reasonable attorney's fee in the event that said Note was placed with an attorney for collection. Plaintiff claims the said reasonable attorney's fee in addition to the amount due on said Note above-described. Plaintiff further avers that said attorney's fee is to-wit, \$80.00.

E. G. RICKARBY, Attorney for Plaintiff

Whitehouse
Defendant resides in Bay Minette, Alabama.

FILED

JUL 10 1967

CLERK
REGISTER

M. 7602

William P. Donoghue

VS.

James Hundley

Received 10-4 day of July 1967
and on 11 day of Aug 1967
I served a copy of the within S & C
on James Hundley
By service on _____

TAYLOR WILKINS, Sheriff

By W. A. Selbert D.S.

4 miles South of B14

~~Not found in my county after diligent search and inquiry.~~
~~13~~ day of July 1967
~~Taylor Wilkins, Sheriff~~
~~Deputy Sheriff~~

Sheriff claims 8 miles
Ten Cents per mile Total \$ 80
TAYLOR WILKINS, Sheriff
BY W. A. Selbert
DEPUTY SHERIFF

E L R

WILLIAM P. DONOGHUE,	Ø	
Plaintiff,	Ø	CIRCUIT COURT, BALDWIN COUNTY
VS.	Ø	NO. <u>7602</u>
JAMES HUNDLEY,	Ø	
Defendant.	Ø	

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon JAMES HUNDLEY 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, Alabama, at Bay Minette, against JAMES HUNDLEY, Defendant, by WILLIAM P. DONOGHUE, Plaintiff.

WITNESS my hand this 16 day of Oct, 1967.

Richard J. Smith Clerk.

WILLIAM P. DONOGHUE,	Ø	
Plaintiff,	Ø	IN THE CIRCUIT COURT OF
VS.	Ø	BALDWIN COUNTY, ALABAMA,
JAMES HUNDLEY,	Ø	AT LAW.
Defendant.	Ø	

A M E N D E D B I L L O F
C O M P L A I N T

Count I.

The Plaintiff claims of the Defendant TWO HUNDRED FORTY-EIGHT AND 96/100 (\$248.96) DOLLARS due by Promissory Note made by him on, to-wit, the 31st day of March, 1965, due \$25.00 per month thereafter, until paid in full, first payment to be made on the 30th day of April, 1965. Plaintiff avers that in and by the terms of said Note above-described, the Defendant waived all rights of exemptions as provided by the laws of the State of Alabama, of which the Plaintiff claims the benefit thereof in this action and, further, shows that according to the terms of said above-described Note, the Defendant further agreed to pay a reasonable attorney's fee in the event that said Note was placed with

an attorney for collection. Plaintiff claims the said reasonable attorneys fee in addition to the amount due on said Note above-described. Plaintiff further avers that said attorney's fee is to-wit, \$80.00.



E.G. RICKARBY, Attorney for
Plaintiff.

Defendant resides in Bay Minette, Alabama.

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 M.A. a copy of same in an envelope with adequate postage prepaid the said and p. party addressed.
This 14 day of Oct, 1967

E. G. RICKARBY



Attorney for
P. O. Box 471, Fairhope, Ala. 36531

F.G.R.

Received 17 day of Oct 1967
17 day of Oct 1967
a copy of the within 84
James Hundley

service on _____

TAYLOR WILKINS, Sheriff
By W. G. Tolbert
D. Hall

Sheriff claims 1 miles at
Ten Cents per mile Total \$.40
TAYLOR WILKINS, Sheriff
BY A. A. Tolbert
DEPUTY SHERIFF

ALICE J. DUCK
CLERK
REGISTER

OCT 16 1967

FILED

James Hundley

DS

William R. Donoghue

7602

WILLIAM P. DONOGHUE,

Plaintiff,

Vs.

JAMES HUNDLEY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 7602

DEMURRER

Comes now the Defendant in above-styled cause, and demurs to the complaint heretofore filed in this cause, and to each and every count thereof, and as grounds therefor assigns the following, separately and severally, to each and every count thereof, to-wit:

1. The complaint is vague.
2. The complaint is uncertain.
3. The complaint does not state a legal cause of action.
4. The complaint does not allege the date when the alleged

promissory note became due.

5. For aught that appears the said note is not due and payable.

Defendant demands trial by jury in this cause.

Kenneth Cooper
ATTORNEY FOR DEFENDANT

Kenneth Cooper
ATTORNEY FOR DEFENDANT

I certify that I have mailed a copy of the foregoing DEMURRER to Hon. E. G. Rickarby, Attorney At Law, Fairhope, Alabama, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this 17 day of October, 1967.

FILED

OCT 18 1967

ALICE J. BUCH
CLERK
REGISTER

Kenneth Cooper
ATTORNEY FOR DEFENDANT

WILLIAM P. DONOGHUE,
Plaintiff.

Vs.

JAMES HUNDLEY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 7602

MOTION TO STRIKE

Comes now the Defendant, in above-styled cause, and moves this Honorable Court to dismiss this cause of action pending against the Defendant, and assigns as reasons therefor the following, to-wit:

1. For aught that appears this Honorable Court is without jurisdiction in this cause, because the heading on the summons and complaint, and the style of this cause, this action was not filed in the jurisdiction of this Honorable Court when first filed on 10 July, 1967.

2. This Court is without the power to permit a complete change of the name of the Court in which this cause was originally filed on 10 July, 1967.

3. That this Court has no jurisdiction in this cause.

4. That this Court has no venue in this cause.

Kenneth Cooper
ATTORNEY FOR DEFENDANT

I certify that I have mailed a copy of the foregoing MOTION TO STRIKE to Hon. E. G. Rickarby, Attorney At Law, Fairhope, Alabama, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this 17 day of October, 1967.

FILED

OCT 18 1967

ALICE J. BERRY CLERK
REGISTER

Kenneth Cooper
ATTORNEY FOR DEFENDANT

CODE 205
Telephone: 928-9336

LAW OFFICES

Mailing Address
P.O. BOX 471

E. G. RICKARBY
35 SOUTH SECTION STREET
FAIRHOPE, ALABAMA 36532

July 7, 1967

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama 36507

Dear Mrs. Duck:

Inre: William P. Donoghue
Vs: James Hundley
File: 67-234

Enclosed find Summons & Complaint of Donoghue vs. Hundley.

Please process and oblige.

Yours very truly,



EGR/jlb
Encl.

cc: Mr. J. G. Bennett
cc: Mr. Kenneth Cooper
7-18-67

CODE 205
Telephone: 928-9336

LAW OFFICES

E. G. RICKARBY
35 SOUTH SECTION STREET
FAIRHOPE, ALABAMA 36532

Mailing Address
P.O. BOX 471

October 11, 1967

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama 36507

Dear Mrs. Duck:

Inre: William P. Donoghue
Vs: James Hundley
File: 67-234

Enclosed find Amendment which I have prepared.

Yours very truly,



EGR/jlb
Encl.
10-23-67
cc: Mr. Kenneth Cooper