

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

CASE NO. 22548 - HOCKLANDER

McCORVEY, TURNER, JOHNSTONE,  
ADAMS & MAY - Ben H. Harris, Jr.

JAMES M. GREGORY

N.J.

VS. Suit for \$1,500.00 damages to automobile.  
(TORT)

WILTERS & BRANTLEY  
BY: Harry J. Wilters, Jr.  
Bay Minette, Ala. 36507

THOMAS W. GILES

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

1. Complaint & Summons \*4-28-67

\* C & S served on Defendant on May 27, 1967.

2. Plea in Abatement \*6-15-67

\* July 14, 1967 - Plea in Abatement Granted, and case ordered transferred  
\* to the Circuit Court of Baldwin County, Alabama.  
\* Joseph M. Hocklander, Judge

35-662

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 17th day of July, 1967.

*John E. Mandeville*, Clerk.

ALICE J. DICK  
JUL 18 1967  
FILED  
CLERK  
REGISTER

526

JAMES M. GREGORY, : IN THE CIRCUIT COURT OF  
Plaintiff, : MOBILE COUNTY, ALABAMA  
vs. :  
THOMAS W. GILES, : CASE NO. 20548  
Defendant. :

Plaintiff claims of the defendant the sum of ONE THOUSAND FIVE HUNDRED and NO/100 (\$1,500.00) DOLLARS as damages for that heretofore and on, to-wit, May 13, 1966, while the plaintiff was operating his motor vehicle in a westerly direction of U.S. Highway 90, a public highway in Baldwin County, Alabama, at a point, to-wit, near telephone pole No. 532, to-wit, 13 miles east of Robertsdale, Baldwin County, Alabama, the defendant then and there so negligently operated an automobile in an easterly direction on said U.S. Highway 90 as to cause or allow the same to run into, upon or against the plaintiff's said motor vehicle and as a proximate result and consequence of said negligence of the defendant the automobile of the plaintiff was bent, broken, smashed and otherwise damaged, hence this suit.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By Ben H. Harris Jr.  
Attorneys for Plaintiff

Defendant's address:

P. O. Box 498  
Robertsdale, Alabama

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

APR 28 4 42 PM '67

Rich Marshall  
CLERK

**THE STATE OF ALABAMA**  
MOBILE COUNTY

**CIRCUIT COURT**

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

THOMAS W. GILES

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

JAMES M. GREGORY

WITNESS: John E. Mandeville, Clerk of said Court, this 28th day of APRIL, 19 67

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

377 By \_\_\_\_\_ D.S.

*Mail* No. 22548 -H  
JUDGE \_\_\_\_\_ DOCKET \_\_\_\_\_  
CIVIL DIVISION

**CIRCUIT COURT**  
MOBILE COUNTY

JAMES M. GREGORY

VS.

Complaint and Summons

THOMAS W. GILES

Issued 28th day of APRIL, 1967

Defendant's Address

P. O. Box 498  
Robertsdale, Alabama

BEN H. HARRIS, JR.

Plaintiff's Attorney

Served 4 day of May 1967  
and on 27 day of May 1967  
served a copy of the within to  
Thomas W. Giles  
by service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By H. J. Hall D. S.

Sheriff claims 50 miles at

Ten Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

H. J. Hall  
DEPUTY SHERIFF

10, MAY 8 7 AM  
MOBILE COUNTY, ALA.  
SHERIFF DEPT.

JAMES M. GREGORY,  
Plaintiff,  
vs.  
THOMAS W. GILES,  
Defendant.

X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
MOBILE COUNTY, ALABAMA

CASE NO. 22548 - 7H

PLEA IN ABATEMENT

Comes the Defendant, Thomas W. Giles, in the above styled cause, and appearing especially for the purpose of filing the following plea in abatement, and for no other purpose, pleas in abatement to the Complaint filed in this cause, and to each count thereof as follows, separately and severally:

1.

That this Honorable Court is without jurisdiction of the cause of action sued on in this:

That he has been a resident continuously of Baldwin County, Alabama, for twenty-four years; that he is not now, nor has he ever been a resident of Mobile County, Alabama. Further that it appears in the Complaint that the accident occurred in Baldwin County, Alabama.

WHEREFORE, the Defendant says, he can not be sued in Mobile County, Alabama, and that the Circuit Court of Mobile County, Alabama, has no jurisdiction of the cause of action made the basis of this suit, and that this Court ought not to take further jurisdiction of this cause.

  
Thomas W. Giles

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Amelia G. Perkins, a Notary Public, in and for said County, in said State, personally appeared Thomas W. Giles, who, being by me first duly sworn, deposes and says that he is the Defendant in the above styled cause, and that he is cognizant of the facts stated in the above and foregoing plea in abatement, and that the facts stated in the above and foregoing plea in abatement, and that the facts stated therein are true to the best of his knowledge, information and belief.

Thomas W. Giles  
Thomas W. Giles

Sworn to and subscribed before me this 12<sup>th</sup> day of June, 1967.

Amelia G. Perkins  
Notary Public,

#### CERTIFICATE OF SERVICE

I do hereby certify that I have on this 13<sup>th</sup> day of June, 1967, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

By: Harry F. Wilters

Harry F. Wilters

1 Baldwin County

Bay Minette, Ala. 36507

STATE OF ALABAMA  
I CERTIFY THIS PLEADING  
WAS FILED ON

JUN 15 8 53 AM '67

John H. Smith  
CLERK

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FRIDAY, JULY 14, 1967

JAMES M. GREGORY	)	PLEA IN ABATEMENT GRANTED
	)	AND CASE ORDERED TRANSFERRED
HOCKLANDER      -vs-      22548	)	TO THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
THOMAS W. GILES	)	

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed June 15, 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 defendant's said Plea in Abatement filed June 15, 1967, in this cause be, and the same is hereby granted, and case ordered transferred to the Circuit Court of Baldwin County, Alabama.

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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

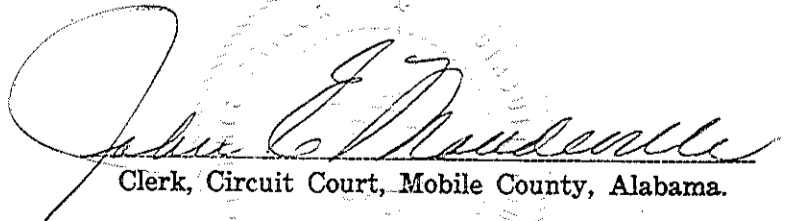
as rendered by the said Circuit Court on the 14th day of July, 19 67, in the cause  
entitled No. 22548 - JAMES M. GREGORY

\_\_\_\_\_, Plaintiff,  
— versus — THOMAS W. GILES

Defendant, (~~together with the cancellation thereof~~), as the same remains of record in this office in  
Minute Book No. 35, Page No. 662

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 17th day of July, 19 67.

ATTEST:

  
Clerk, Circuit Court, Mobile County, Alabama.