COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSION COURTROOM "B" FIRST FLOO

The State of Alaban MOBILE COUNTY		OF MOBILE COUNTY—GREETINGS:
You are hereby commar	nded to summon LUCY HARRISON	
200 are allered		
	······································	
to be and appear before the	Court of General Sessions of Mol	pile County at the Courthouse of Mobile
County, on the 30 day of	May	, 19.67. at the hour of 9:00 A.M.,
then and there to answer a	complaint-ofTHE AMERICAN	HATIONAL BANK & TRUST COMPANY OF
MOBILE, a national ba	inking association,	
and the second s	entrageness and the second	
of a debt or other demand n	ot exceeding Seven Hundred Fifty	Dollars.
Herein fail not and have	you then and there this precept	with your doings.
Witness my hand, this	2 day of May	, 1967
Travalous III, annau, bandan	W. C	Heris em
	Clerk of the	Court of General Sessions of Mobile County.
Cause of Action		
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Control of the Contro	and the second s	

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COMPLAINT AND SUMMONS	FF DEPT
Atty. for Plaintiff: Ham 1ton, Denniston, Atty. for Defendant Butler & Middick	2 S.
THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY	B S S S S S S S S S S S S S S S S S S S
No56445	
Ret. May 30, 1967	Haj to
THE AMERICAN MATIONAL MARK & TRUST CX OF MOBILE, a national banking ass. VS.	
P.O. Box 338 Loxley, Alabama	
Continued To	20 Yes 72 20 20 20 20 20 20 20 20 20 20 20 20 20
RECEIVED	
MAY 9 1967	
TAYLOR WILKINS SHERIFF	
Skyld Service on	
Lucy Harrison Defendant	
This 13 day May , 1967	Shoriff claims 40 miles gt
Sheriff of Mobile County	Ten Cents per mile Total & TAYLOR WILKINS, Sheriff
Byll D. Farner Deputy Sheriff	BY W.O DEPUTY SHERIFF
Lotley	· · · · · · · · · · · · · · · · · · ·

TRANSFER

NOTICE of APPEAL

STATE OF ALAB MOBILE COUN	AMA, STATE OF THE PROPERTY OF	
The American Hat	ionol Bank & Trust	4,7479
Company of Kobil	e, a Hational Banking Plaintiff	(新)(1)(1)(1)(1)(1)(1)(1)(1)(1)(1)(1)(1)(1)

Harrison	
 	Defendant

VS.

To Lucy Sarriann, the defendant,

in said Cause:

of Mobile, a Mational Banking Association

From the XHARK COURT OF GENERAL SESSIONS OF MOBILE COUNTY, and having complied with the requirements of the law in such cases made and provided, the same has been granted to the next term of the CIRCUIT COURT of MOBILE County, to be held for

a transfer to the Circuit Court of Baldwin County, Alabama, tained an appearance and an appearance and a second a second and a second a

You are hereby notified that The American National Bank & Trust Company

Clerk, Court of General Sessions of Mobile County, Civil Division

.....in the above entitled cause has prayed and ob-

7709	
Case No. 56hh5 The American National Bank & Trust Co.	29 ID 24 AM '67
of Mobile, a National Banking Association	Aug Zi
Plaintiff,	
vs	Sheriff claims 40 miles at
Lucy Harrison	Ten Cents per mile Total & 4. TAYLOR WILKINS, Streitt BY Carliale Chedrer
Defendant.	DEPUTY SHERIFF
NOTICE OF ARPEAUTEAUSFER	Jacob day of Sight.
	Lastrad a copy of the within I ampe
Returnable To The Circuit Court OF Baldwin County	
Issued: August 28, 1967 Serve On: Lucy Harrison P. O. Box 338 Loxley, Alabama	TAYLOR WILKINS, She

YLOR WILKINS, Sheriff

August 28, 1967

Mrs. Alice J. Duck, Circuit Clerk Baldwin County Court House Bay Minette, Alabama

RE: The American National Bank & Trust Co. of Mobile

778

Lucy Harrison Case No. 56445

Dear Mrs. Duck,

As provided by Act No. 76, Acts of Alabama, 1961, I am enclosing the following papers in the above styled case:

No.	1	Complaint and Summons
No.	2	Sheriff's Return on Complaint and Summons
No.	3	Plea in Abatement
No.	Ħ	Certified Copy of Docket Sheet
No.	5	Cost Bill
No.	6	Notice of Transfer

Will you please acknowledge receipt of the above papers on the bottom of this letter and return to me in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation.

ery truly yours,

J. D. Richardson, Clerk

> Clerk of The Circuit Court of Baldwin County, Alabama.

JOHN P. BEEBE ATTORNEY AT LAW ROBERTSDALE, ALABAMA

May 24, 1967

Mr. W. Theris, Clerk, Court of General Sessions of Mobile County, Court House Building, Mobile, Alabama.

> Re: The American National Bank & Trust Company of Mobile, vs. Lucy Harrison No. 56445

Dear Sir:

I enclose plea in abatement in behalf of the defendant named in the above styled case, with the request that it be filed in this proceeding.

I have today mailed an exact copy of this plea to Messrs. Hamilton, Denniston, Butler & Riddick, Attorneys for the plaintiff.

Thank you, I am

Yours very

JPB/me encl

cc to: Messrs. Hamilton, Denniston, Butler & Riddick,

The American National Bank & Trust Company Building,

Mobile, Alabama.

ATTORNEYS FOR PLTF:-

COST BILL

THE STATE OF ALABAMA MOBILE COUNTY The Court of General Sessions of Mobile County

Defendant C		- 11111
Defendant	ASE NO.	773
Delendant		
COURT FEES		
		1. 2
Summons and proceedings thereon to judgment		
Docketing each cause		
Attachment Bond and Affidavit		
ssuing each Attachment		
Summoning Garnishee and taking examination	i	
Subpoena for each witness		·
Execution and taxing costs thereon		1 1/2
Each appeal or certiorari, including bond and certificate of proceedings	1.00	
Every necessary Certificate or Notice not otherwise provided for		
For issuing each Writ of Detinue		
For each Scire Facias, or notice in the nature thereof		
Every other Bond		
Administering an oath and certifying the same		
ssuing Notice of Appeal	1	/ /
Law Library Fee		
udgment Ni Si against Garnishee		
Writ of Discovery		
Writ of Contempt		
Writ of Arrest		***************************************
Alias Summons		
TOTAL	8	775
	<u> </u>	<u> </u>
SHERIFF'S FEES		
SHERIFF'S FEES	6.00	
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SHERIFF'S FEES Levying Attachment		
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SHERIFF'S FEES Levying Attachment	6.00 .25 .1.50 .1.50 .75	
SHERIFF'S FEES Levying Attachment Lintering and returning same Summoning Garnishee and making return Serving Summons and other mesne process, and returning the same Summoning each Witness and returning Subpoena Collecting execution for costs only	6.00 .25 .1.50 .1.50 .75 .1.50	
SHERIFF'S FEES Levying Attachment Lintering and returning same Summoning Garnishee and making return Serving Summons and other mesne process, and returning the same Summoning each Witness and returning Subpoena Collecting execution for costs only Serving Scire Facias or other like notice	6.00 .25 .1.50 .1.50 .75 .1.50	1.5
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SHERIFF'S FEES Levying Attachment Lintering and returning same Summoning Garnishee and making return Serving Summons and other mesne process, and returning the same Summoning each Witness and returning Subpoena Collecting execution for costs only Serving Scire Facias or other like notice Serving any summons not herein provided for, and making return Seizing personal property under Writ of Detinue Caking care of such property, such just compensation as Court may fix Caking and approving bonds of every kind	6.00 .25 .1.50 .1.50 .75 .1.50 .1.50 .1.50 .1.50 .2.00	1,5
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SHERIFF'S FEES Levying Attachment Entering and returning same Summoning Garnishee and making return Serving Summons and other mesne process, and returning the same Summoning each Witness and returning Subpoena Collecting execution for costs only Serving Scire Facias or other like notice Serving any summons not herein provided for, and making return Seizing personal property under Writ of Detinue Caking care of such property, such just compensation as Court may fix Caking and approving bonds of every kind When property is sold under execution or attachment Commission: When sale is stayed by restraining order	6.00 .25 .1.50 .1.50 .75 .1.50 .1.50 .1.50 .2.00	

G. V. ADAMS, Clerk.

THE AMERICAN NATIONAL BANK)	IN THE CIRCUIT COURT OF
AND TRUST COMPANY		
)	BALDWIN COUNTY, ALABAMA
Plaintiff		
)	
vs.		AT LAW
)	
LUCY HARRISON		
)	NO. 7709
Defendant		

DEMURRER

Comes now the Plaintiff in the above styled cause and demurs to the Defendant's answer heretofore filed herein and separately and severally to each plea thereof, and assigns as grounds of said demurrer the following separate and several grounds:

- 1. For that said plea is legally insufficient.
- 2. For that said plea is vague, indefinite and uncertain.
- 3. For that said plea alleges insufficient facts to constitute a defense to Plaintiff's complaint.
- 4. For that there are insufficient facts to show that the complainant was a mortgagee.
- 5. For aught that appears, Plaintiff owed no duty to Defendant to account to Defendant for the fair and reasonable market value of the property.
- 6. For that said pleasalleges by way of conclusion that Plaintiff repossessed the merchandise, without alleging any facts sufficient to show that Plaintiff was a mortgagee or conditional vendor, or assignee thereof.
- 7. For that it affirmatively appears from the face of the complaint that this is an action on a promissory note, and Plaintiff is under no duty to account to the Defendant for fair and reasonable market value of any property.
- 8. For that said plea attempts to impose upon the Plaintiff, as the holder in due course of a promissory note, the duty of a mortgagee, without alleging sufficient facts to constitute Plaintiff a mortgagee.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this by day of 1968, served a copy of the Attorneys for Plaintiff foregoing pleading on coursel for all parties to this proceeding by mailing the same by United States mail, P. O. Box 1743 properly addressed, with first class postage prepaid. Mobile, Alabama 36601

MAR 6 1968

THE AMERICAN NATIONAL BANK ž IN THE CIRCUIT COURT OF AND TRUST COMPANY Ĭ BALDWIN COUNTY, ALABAMA Plaintiff VS. AT LAW LUCY HARRISON 7709 NO. Defendant

Comes now the Defendant in the above styled cause and amends her answer by adding the following count.

3.

Defendant for further answer to the said Complaint, says that, after the Plaintiff Mortgagee repossessed the merchandise it was sold for less than the fair and reasonable value and that the Plaintiff has not accounted to the Defendant for at least fair and reasonable value of the property.

Defendant

STATE OF ALABAMA BALDWIN COUNTY

Before me, <u>Stable of Stable of Stable of the Booke and State</u>, a Notary Public, in and for said County, in said State, personally appeared Lucy Harrison who being known to me, and by me first duly sworn, deposes and says on oath; that she is the Defendant in the above entitled cause and has personal knowledge of the facts stated in the foregoing answer and that the said statements of fact therein contained are true.

Sworn to and subscribed before me this 2000 day of 1968.

CERTIFICATE OF SERVICE

I do hereby cartify that I have on this 22day of Figure 2 19 as served a copy of the foregoing pleading on counsel for and parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

WILTERS, BRANTLEY & NESBIT

The American National Bank IN THE CIRCUIT COURT OF and Trust Company

BALDWIN COUNTY, ALABAMA

Plaintiff I

AT LAW

Lucy Harrison

Defendant I

Comes now the Defendant in the above styled cause and for answer to the Bill of Complaint says:

1.

Not quilty.

2.

17. 71.70

Comes now the Defendant, Lucy Harrison, and for answer to the Bill of Complaint says, that she has paid the debt or demand for which this suit was brought, before this action was commenced.

Defendant Harrison

٦.

AND SECTION

WILTERS, BRANTLEY & NESBIT

Attorney for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Sworn to and subscribed before me this 14th day of October, 1967.

ACT 1 6 1967

ALIGE J. DIEK REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this A day of Deladia.

19..., served a copy of the longuing plending on counsel for all parties to this proceeding by maring he so e by United States Med, properly addressed, and that class postage prepaid.

WILTERS & BRANTLEY* The find

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

THE AMERICAN NATIONAL BANK AND TRUST COMPANY

PLAINTIFF

VS

LUCY HARRISON

DEFENDANT

ANSWER

HAMILTON, DENNISTON, BUTLER AND RIDDICK Plaintiff's Attorney

WILTERS BRANTLEY & NESBIT

7**7** •

Defendant's Attorney

THE AMERICAN NATIONAL BANK) IN T	HE COURT OF
& TRUST COMPANY OF MOBILE, A National Banking Association,	§ GENE	RAL SESSIONS OF
Plaintiff,	MOBI	LE COUNTY, ALABAMA
-vs-	X	
LUCY HARRISON,	Ĭ	
Defendant) CASE	NO. 1709

COUNT ONE

The Plaintiff claims of the Defendant the sum of, to-wit, ONE HUNDRED FORTY-SIX and no/100 DOLLARS (\$146.00) balance due by promissory note, made by the Defendant on, to-wit, March 8, 1965, and payable in twelve (12) successive monthly installments beginning on, to-wit, April 5, 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 of 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, to-wit, FORTY-EIGHT DOLLARS (\$48.00).

HAMILTON, DENNISTON, BUTLER & RIDDICK

Trial Attorney for Plaintif

Defendant may be served at:

P. O. Box 338 Loxley, Alabama. repulson ?

4/18/67

AUG 2 9 1967

FIRE L. DUIL EU FO

COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS COURTROOM "B" FIRST FLOOR

The State of Alabama, MOBILE COUNTY TO THE SHERIFF OF MOBILE	LE COUNTY—GREETINGS:
You are hereby commanded to summon LUCY HARRISON	
to be and appear before the Court of General Sessions of Mobile County	
County, on the 30 day of May , 19 6	Z. at the hour of 9:00 A.M.,
then and there to answer a complaint ofTHE AMERICAN NATIONAL MOBILE, a national banking association,	I and the second
of a debt or other demand not exceeding Seven Hundred Fifty Dollars.	
Herein fail not and have you then and there this precept with your d	oings.
Witness my hand, this 2 day of May	1967
W. Sheris	am and a second
	neral Sessions of Mobile County.
Cause of Action	
<u> </u>	

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

IN THE COURT OF GENERAL

Plaintiff,

SESSION OF MOBILE COUNTY,

vs

ALABAMA.

LUCY HARRISON,

AT LAW

Defendant.

No. 56445

PLEA IN ABATEMENT

Comes Lucy Harrison, named as Defendant in the above styled cause, and appears specially and only for the purpose of filing this plea, and says that The American National Bank & Trust Company of Mobile, Plaintiff in this cause, ought not to have and maintain this action against the said Lucy Harrison, Defendant, for that while the complaint seeks relief against the said Defendant, the said Defendant is a permanent resident of Baldwin County, Alabama, and has been continuously for the past twelve years next preceding the filing of this plea.

WHEREFORE, the said Defendant, Lucy Harison, appearing specially for this purpose only, as aforesaid, says that this suit against her should be abated and should not be allowed to proceed.

Lucy Harrison

STATE OF ALABAMA

BALDWIN COUNTY

Before me, a Notary Public in and for said County in said State, personally appeared Lucy Harrison, who being by me first duly sworn, under oath, says: That she has read the foregoing plea in abatement, and that the allegations contained therein are true.

Lucy Harrison

5/2

ESC

Sworn to and subscribed before me on this the _____ day of May, 1967.

Notary Public

I, the undersigned, hereby certify that I have on this the day of May, 1967, sent a true and exact copy of the foregoing plea in abatement by United States Mail, postage prepaid, to Messrs. Hamilton, Denniston, Butler & Riddick, Attorneys for the Plaintiff, American National Bank Building, Mobile, Alabama.

Attorney for the Defendant

John P. Beebe, Attorney for the Defendant, Robertsdale, Alabama.

TRANSFER

NOTICE of APPRICATE

STATE OF ALABAMA, \\ MOBILE COUNTY	
The American National Bank & Trust	ing a sagarang sagarang kalendar sagarang kalendar sagarang sagarang kalendar sagar
Company of Mobile, a National Banking Association Plaintiff VS.	;
Lucy Harrison Defendant	
ToLucy. Harrison,thedefendant,	स्राप्त के एक प्रकार
of Mobile, a National Banking Associ	can National Bank & Trust Company ation
the plasintiff a transfer to the Circuit Court tained on the from the court of GENERAL SESSION AND THE SESSION OF GENERAL SES	n the above entitled cause has prayed and ob- of Baldwin County, Alabama,
complied with the requirements of the law in been granted to the next term of the CIRCUL	
said County, you are hereby notified according Given under my hand this the28	

The American National Bank & Trust Co. of Mobile, a National Banking Association

Plaintiff,

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Bank in the freeze in the settle till be energic

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VS

Lucy Harrison

Defendant.

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NOTICE OF ARREALTRANSFER

Returnable To The Circuit Court

Issued: __August 28, 1967_

Serve On: Lucy Harrison
P. 0. Box 338
Loxley, Alabama

THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

Case No. 56445

THE AMERICAN NATIONAL BANK

& TRUST COMPANY, OF MOBILE, A National Banking Associa-

tion,

: Filed:

April 18, 1967

: Summons Issued:

May 2, 1967

: Returnable:

May 30, 1967

Plaintiff,

: Service Had:

VS

: Cause of Action: Complaint and Summons

May 13, 1967

: Attorneys for Plaintiff: Hamilton, Denniston,,

Butler and Riddick

LUCY HARRISON,

Defendant.

Amount of Claim: \$194.00

: Attorney for Defendant: John Beebe

Defendant's Plea in Abatement Filed - May 25, 1967

June 27, 1967

July 25, 1967 - Plea Confessed - Transferred to Baldwin County - Paul W. Brunson

I hereby certify that the foregoing is a true and correct copy of the above styled cause, as it appears on record and in the files of The Court of General Sessions of Mobile County, Alabama.

Witness my hand this the 28th day of August, 1967.

of General Sessions of Mobile County