

COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS
COURTROOM "B" FIRST FLOORThe State of Alabama, }
MOBILE COUNTY

TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon LUCY HARRISON

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 30 day of May, 1967 at the hour of 9:00 A.M., then and there to answer a complaint of THE AMERICAN NATIONAL BANK & TRUST COMPANY OF MOBILE, a national banking association,

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 doings.

Witness my hand, this 2 day of May, 1967.

W. Sherris am
Clerk of the Court of General Sessions of Mobile County.

Cause of Action

3
COMPLAINT AND SUMMONS

Atty. for Plaintiff: Hamilton, Denniston,
Atty. for Defendant: Butler & Hiddick

**THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY**

No. 56145

Ret.

May 30, 1967

THE AMERICAN NATIONAL BANK & TRUST CO.
OF MOBILE, a national banking ass.
VS.

LUCY HARRISON
P.O. Box 338
Lokley, Alabama

Continued To

RECEIVED

MAY 9 1967

TAYLOR WILKINS
SHERIFF

Sheriff's return

Executed by Service on

Lucy Harrison

Defendant

This 13 day May, 1967

Bred
Sheriff of Mobile County

By W.O. Garner

Deputy Sheriff

Lokley

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

MAY 2 3 52 PM '67

BY

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

MAY 16 8 09 AM '67

BY

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY W.O. Garner
DEPUTY SHERIFF

TRANSFER

NOTICE of APPEALSTATE OF ALABAMA,
MOBILE COUNTYThe American National Bank & Trust
Company of Mobile, a National Banking
Association
Plaintiff

VS.

Lucy Harrison

Defendant

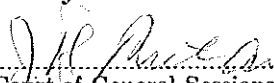
To Lucy Harrison, the defendant,

in said Cause:

You are hereby notified that The American National Bank & Trust Company
of Mobile, a National Banking Association

the ~~plaintiff~~ in the above entitled cause has prayed and ob-
tained a transfer to the Circuit Court of Baldwin County, Alabama,
an appeal from the judgment therein rendered by
from the
~~Judge of the~~ 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 Baldwin
Mobile County, to be held for
said County, you are hereby notified accordingly.

Given under my hand this the 28 day of August 19 67


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

7709

Case No. 56115

*Trans Rail
2-8-*

[Handwritten mark]

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

Plaintiff,

VS

Lucy Harrison

Defendant.

NOTICE OF ~~APPEAL~~ TRANSFER

Returnable To The Circuit Court
OF Baldwin County

Issued: August 28, 1967

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

[Handwritten signature]

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

AUG 29 10 24 AM '67

BY

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.

TAYLOR WILKINS, Sheriff

BY Carlie Children
DEPUTY SHERIFF

Served 6 day of Sept. 1967
at 11 day of Sept. 1967
I served a copy of the within Notice
in Lucy Harrison

By service on

TAYLOR WILKINS, Sheriff

[Handwritten signature]

[Handwritten signature]

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
VS
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. 4	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.

Very truly yours,

J. D. Richardson
J. D. Richardson, Clerk

All papers in this cause received in The Circuit Clerk's Office of Baldwin County, Alabama, this the 29 day of August, 1967.

Alice J. Duck
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

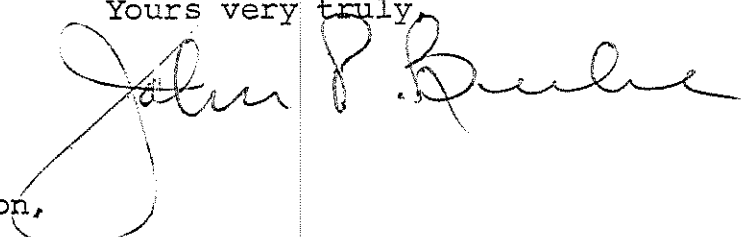
Dear Sir:

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 truly

A handwritten signature in cursive script, reading "John P. Beebe". The signature is written in dark ink and is positioned to the right of the typed name "John P. Beebe".

JPB/me
encl

cc to: Messrs. Hamilton, Denniston,
Butler & Riddick,
The American National Bank
& Trust Company Building,
Mobile, Alabama.

THE AMERICAN NATIONAL BANK
AND TRUST COMPANY

Plaintiff

vs.

LUCY HARRISON

Defendant

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
)
) AT LAW
)
) NO. 7709

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 plea alleges 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.

HAMILTON, DENNISTON, BUTLER & RIDDICK

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 5th day of March, 1968, served a copy of the foregoing pleading on counsel 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

By [Signature] Attorneys for Plaintiff

FILED

MAR 6 1968

ALICE J. DUCK CLERK
REGISTER

THE AMERICAN NATIONAL BANK
AND TRUST COMPANY

Plaintiff

VS.

LUCY HARRISON

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 7709

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.

Lucy Harrison
Defendant

WILTERS, BRANTLEY & NESBIT

BY: Thompson S. Nesbit
Attorney for Defendant

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Carol A. Stallings, 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 20th day of February,
1968.

Carol A. Stallings
Notary Public

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 22 day of February
1968 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 & NESBIT

By: Thompson S. Nesbit

FEB 22 1968

ALICE J. BUCK CLERK
REGISTER

The American National Bank
and Trust Company

Plaintiff

VS

Lucy Harrison

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 7709

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

1.

Not guilty.

2.

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.

Lucy Harrison
Defendant

WILTERS, BRANTLEY & NESBIT

BY: Thos. J. Nesbit
Attorney for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Thos. J. Nesbit, 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 14th day of October, 1967.

Thos. J. Nesbit
Notary Public

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 14th day of October,
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: Thos. J. Nesbit

FILED

OCT 16 1967

ALICE J. DUCK

CLERK
REGISTER

700

NO. 7709

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

BY:

Defendant's Attorney

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

Plaintiff,

-vs-

LUCY HARRISON,

Defendant

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℥

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℥

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IN THE COURT OF

GENERAL SESSIONS OF

MOBILE COUNTY, ALABAMA

CASE NO.

7707

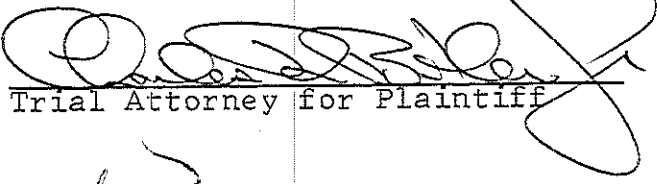
COUNT ONE

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

BY:


Trial Attorney for Plaintiff

Defendant may be served at:

P. O. Box 338
Loxley, Alabama.

transferred
FILED

AUG 29 1967

4/18/67

694

HAMILTON, DENNISTON, BUTLER & RIDDICK

COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS
COURTROOM "B" FIRST FLOORThe State of Alabama, }
MOBILE COUNTY

TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon LUCY HARRISON

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 30 day of May, 1967 at the hour of 9:00 A.M., then and there to answer a complaint of THE AMERICAN NATIONAL BANK & TRUST COMPANY OF MOBILE, a national banking association,

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 doings.

Witness my hand, this 2 day of May, 1967.

W. Sheris *cm*
Clerk of the Court of General Sessions of Mobile County.

Cause of Action

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

Plaintiff,

vs

LUCY HARRISON,

Defendant.

) IN THE COURT OF GENERAL
)
)
) SESSION OF MOBILE COUNTY,

) ALABAMA.
)
)

) AT LAW
)
)

) 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
Lucy Harrison

STATE OF ALABAMA

BALDWIN COUNTY

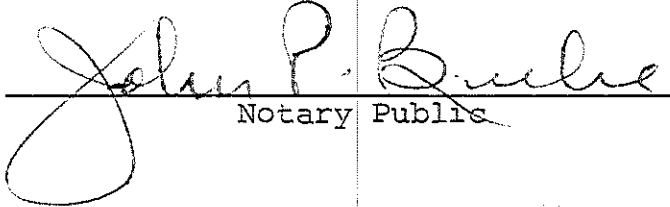
Before me, John P. Bule, a Notary Public in and for said County in said State, personally appeared Lucy Harrison, who being by me first duly sworn, under oath, says: That she has read the foregoing plea in abatement, and that the allegations contained therein are true.

Lucy Harrison
Lucy Harrison

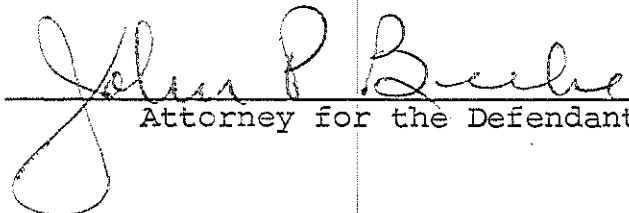
5/8

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Sworn to and subscribed before me on this the 23 day
of May, 1967.


Notary Public

I, the undersigned, hereby certify that I have on this the
24 day of May, 1967, sent a true and exact copy of the fore-
going 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.

NOTICE of APPEAL

STATE OF ALABAMA, }
MOBILE COUNTY }

The American National Bank & Trust....

Company of Mobile, a National Banking
Association Plaintiff

VS.

Lucy Harrison

Defendant

To Lucy Harrison, the defendant,

in said Cause:

You are hereby notified that The American National Bank & Trust Company....
of Mobile, a National Banking Association

the plaintiff in the above entitled cause has prayed and ob-
tained a transfer to the Circuit Court of Baldwin County, Alabama,
from the ~~judgment therein rendered by~~
~~judge of the~~ 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 Baldwin County, to be held for
said County, you are hereby notified accordingly.

Given under my hand this the 28 day of August 19 67.

J. D. Richardson
Clerk, Court of General Sessions of Mobile County, Civil Division

Case No. 56445

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

Plaintiff,

VS

Lucy Harrison

Defendant.

NOTICE OF APPEAL TRANSFER

Returnable To The Circuit Court
OF Baldwin County

Issued: August 28, 1967

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

THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

Case No. 56445

THE AMERICAN NATIONAL BANK	: Filed:	April 18, 1967
& TRUST COMPANY, OF MOBILE,	:	
A National Banking Association,	: Summons Issued:	May 2, 1967
	:	
Plaintiff,	: Returnable:	May 30, 1967
	:	
VS	: Service Had:	May 13, 1967
	:	
	: Cause of Action:	Complaint and Summons
	:	
LUCY HARRISON,	: Attorneys for Plaintiff:	Hamilton, Denniston,,
	:	Butler and Riddick
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.


 Clerk of The Court of General Sessions of Mobile County