

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

Plaintiff,

VS.

CHARLES H. GECK,

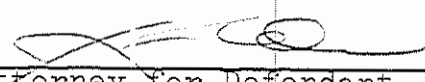
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW


PLEA

Now comes the defendant in the above styled cause and for
plea to the complaint heretofore filed says, separately and severally:

1. The allegations of the complaint are untrue.
2. The defendant, for answer to the said complaint,
says that he has paid the debt for the recovery of which this suit
was brought, before the action was commenced.


Attorney for Defendant

Defendant demands a trial
by jury of said cause.


Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing
pleading has been served upon counsel
for all parties to this proceeding, by
mailing the same to each by First Class
United States Mail, properly addressed
and postage prepaid on this 6th day
of Feb., 1968.


Attorney for Defendant

FILED

FEB 7 1968

ALICE J. DUCK CLERK
REGISTER

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

CASE NO. 23098 - CAFFEY

HAMILTON, DENNISTON, BUTLER
& RIDDICK
BY: CHARLES R. BUTLER, JR.

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

N.J.

VS. Suit for \$694.55 due by promissory note
Attorney's fee \$138.00 (WAIVER)

FILED

SEP 20 1967

JAMES R. OWEN
P.O. Box 248
Bay Minette, Ala. 36507

CHARLES H. GECK

ALICE J. DUCK

CLERK
REGISTER

PLEADINGS, PROCESS, ETC. * FILING DATE *

1. Complaint & Summons * 7-7-67 *

C & S served on Defendant on August 3, 1967.

2. Plea in Abatement * 8-24-67 *

September 15, 1967 - Plea in Abatement Sustained, and case ordered
transferred to Baldwin County for further
proceedings. Will G. Caffey, Jr.
Judge

36-25

222

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 19th day of September, 19 67.

Clerk.

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

Plaintiff,

-vs-

CHARLES H. GECK,

Defendant

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

Ø

Ø

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CASE NO. 23098

COUNT ONE

The Plaintiff claims of the Defendant the sum of, to-wit, SIX HUNDRED NINETY-FOUR AND 55/100 DOLLARS (\$694.55) balance due by promissory note made by the Defendant on, to-wit, September 6, 1963, and payable in twenty-four (24) successive monthly installments beginning on, to-wit, October 6, 1963, said note, which was payable to the order of V. I. P. Motors, Inc. was, prior to default, endorsed by V. I. P. Motors, 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 one of the 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 collecting 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, ONE HUNDRED THIRTY-EIGHT DOLLARS (\$138.00).

HAMILTON, DENNISTON, BUTLER & RIDDICK

BY: 

Trial Attorney for Plaintiff

Defendant may be served at:
Route 2, Box 53
Bay Minette, Alabama.

STATE OF ALABAMA
CENTRAL DISTRICT
WAS FILED ON

JUL 7 3 47 PM '67


CLERK

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

CHARLES H. GECK

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 _____

THE AMERICAN NATIONAL BANK & TRUST COMPANY OF MOBILE, A

National Banking Association

WITNESS: John E. Mandeville, Clerk of said Court, this 7th day of July, 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.

E4: 8-3-67

724

PROSECUTING DEPT.
MOBILE COUNTY, ALA.

JUL 11 4 51 PM '67

BY [Signature]

Received 13 day of July 1967

at on 3 day of July 1967

Received a copy of the will of SSAC

Charles H. Geck

service on _____

TAYLOR WILKINS, Sheriff

By W. A. Dolbert

3 miles north of Bay

Sheriff claims 6 miles at
Ten Cents per mile Total \$.60
TAYLOR WILKINS, Sheriff
BY W. A. Dolbert
DEPUTY SHERIFF

No. 23098

JUDGE [Signature] DOCKET

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

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

VS. } Complaint and Summons

CHARLES H. GECK

Issued 7th day of July, 1967

Defendant's Address

Route 2, Box 53
Bay Minette, Alabama

CHARLES R. BUTLER, JR.

Plaintiff's Attorney

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

Plaintiff,

VS.

CHARLES H. GECK,

Defendant.

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA

AT LAW

NO. 23098-C

PLEA IN ABATEMENT

Now comes Charles H. Geck the defendant in the above
styled cause for the special purpose of filing the following plea
to the complaint in said cause and for no other purpose:

The said Charles H. Geck says that at the time said suit
was instituted and at the time said cause of action arose he was
a bona fide resident of Baldwin County, Alabama, and that the
Circuit Court of Mobile County, Alabama, is without jurisdiction
to try this suit.

[Signature]
Attorney for Defendant

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said
State and County, personally appeared Charles H. Geck, the defendant
in the above styled cause, who, being by me first duly sworn, says,
on oath, that the facts set forth in the foregoing plea are true
and correct.

Charles H. Geck

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

Ernestine R. Sims
Notary Public, Baldwin County, Alabama

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

AUG 24 8 52 AM '67

[Signature]
CLERK

JAMES R. OWEN
ATTORNEY AT LAW
110 COURTHOUSE SQUARE
BAY MINETTE, ALABAMA 36507

August 23, 1967

P. O. BOX 248
TEL. 937-2061
AREA CODE 205

Honorable John E. Mandeville
Clerk of the Circuit Court
Mobile County
Mobile, Alabama 36601

23098 - C

Dear John:

I enclose plea in abatement in the case of American National Bank vs. Charles H. Geck, which is pending in the Circuit Court of Mobile County and is case number 23098.

I have sent the plaintiff's attorney a copy of this plea and I would appreciate it if you would let me know when it is set down for hearing.

Yours very truly,


JAMES R. OWEN

JRO/ers

Enclosure

Filed August 24, 1967
John E. Mandeville, Clerk

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS AND COUNSELLORS AT LAW

AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1743

MOBILE, ALABAMA

36601

August 24, 1967

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
OLIVER J. LATOUR, JR.

JAMES W. TARTLTON, III
CHARLES R. BUTLER, JR.
E. TED TAYLOR
JANELLA J. WOOD

PETER HAMILTON (1838-1888)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)

CABLE ADDRESS:
HAMILTONS

TELEPHONE: 432-7517
AREA CODE 205

Hon. John E. Mandeville
Clerk of Circuit Court
Mobile County Court House
Mobile, Alabama.

Re: The American National Bank
& Trust Company of Mobile
vs. Charles H. Geck
Case No. 23098 - *Caffey*
Our File No. 20,377

Dear Sir:

As Attorneys for the Plaintiff in the above
styled cause, we confess the Plea in Abatement and
request that you transfer the case to the Circuit Court
of Baldwin County, Alabama.

Thank you for your attention in this matter.

Yours very truly,

Janelle J. Wood
For the Firm.

JJW/hs

cc: Mr. James R. Owen
Attorney for the Defendant.

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

AUG 24 4 04 PM '67

J. E. Mandeville
CLERK

FRIDAY, SEPTEMBER 15, 1967

THE AMERICAN NATIONAL BANK & TRUST)
COMPANY OF MOBILE, a National)
Banking Association)
CAFFEY -vs- 23098)
CHARLES H. GECK)

PLEA IN ABATEMENT SUSTAINED,
AND CASE ORDERED TRANSFERRED
TO BALDWIN COUNTY FOR FURTHER
PROCEEDINGS

This day in open Court came the parties by their attorneys,
and defendant's Plea in Abatement filed August 24, 1967, in this
cause, coming on to be heard and being argued by counsel and under-
stood by the Court;

It is ordered and adjudged by the Court that defendant's said
Plea in Abatement filed August 24, 1967, in this cause be, and the
same is hereby sustained, and Case ordered transferred to Baldwin
County for further proceedings.

Minute Book 36

Page 25

STATE OF ALABAMA, }
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

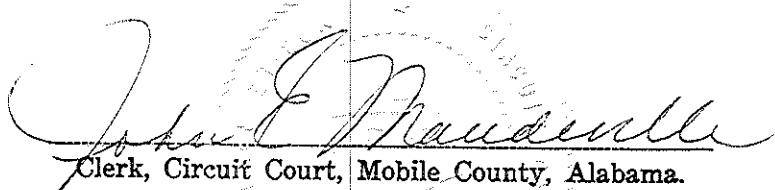
I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

as rendered by the said Circuit Court on the 15th day of September, 19 67, in the cause
entitled No. 23098 - THE AMERICAN NATIONAL BANK & TRUST COMPANY OF MOBILE,
a National Banking Association, Plaintiff,
— versus — CHARLES H. GECK

Defendant, (~~Together with the cancellation thereof~~) as the same remains of record in this office in
Minute Book No. 36, Page No. 25.

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 19th day of September, 19 67.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.