

METZGER'S, INCORPORATED,
A CORPORATION,

PLAINTIFF

VS

C. P. FORREST,

DEFENDANT

)
)
)
)
)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: _____

A N S W E R


COMES THE DEFENDANT IN THE ABOVE STYLED CAUSE AND FOR
ANSWER TO THE BILL OF COMPLAINT AND EACH COUNT THEREOF SAYS
SEPARATELY AND SEVERALLY AS FOLLOWS:

ONE:

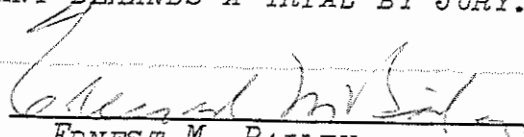
NOT GUILTY.

TWO:

THE DEFENDANT IS NOT INDEBTED TO THE PLAINTIFF AND DEMANDS
STRICT PROOF THEREOF.


ERNEST M. BAILEY,
ATTORNEY FOR THE DEFENDANT

FOR THE TRIAL OF THIS CAUSE THE
DEFENDANT DEMANDS A TRIAL BY JURY.


ERNEST M. BAILEY

FILED

NOV 21 1968

ALICE J. DUCK CLERK
REGISTER

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

CASE NO. 23560 - HOCKLANDER

WILLIAM H. CARD, JR.

METZGER'S, INCORPORATED, a Corporation

N.J.

VS. Suit for \$995.81 due by Itemized, Verified Account.

ERNEST M. BAILEY
Attorney at Law
56 North Section Street
P.O.Box 361
Fairhope, Alabama 36532

C.P. FORREST

N.J.

PLEADINGS, PROCESS, ETC. * FILING DATE *

1. Complaint & Summons * 9-8-67 * C & S served on Defendant on September 15, 1967.
* * * * *
2. Itemized, Verified * * * * *
Account - - - - - * 9-8-67 *
* * * * *
3. Plea in Abatement * 10-26-67 * November 10, 1967 - Plea in Abatement Sustained and Case ordered
* * * * * transferred to Baldwin County.
* * * * * Joseph M. Hocklander, Judge
* * * * *
* * * * *

66 PAGE 339
VOL 99

36-316

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 14th day of November, 1967.

John E. Mandeville, Clerk.

FILED
NOV 14 1967
MOBILE, ALA.

METZGER'S, INCORPORATED,
a corporation

:: CIRCUIT

COURT OF

Plaintiff

:: MOBILE COUNTY, ALABAMA

VS.

C. P. FORREST

:: AT LAW

Defendant

:: CASE NO. 23560

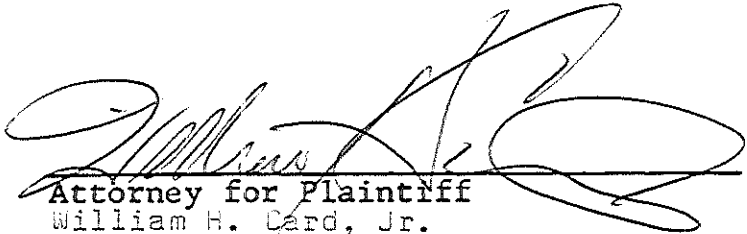
COUNT ONE

The Plaintiff claims of the Defendant \$ 995.81, due from him by account on the 7th day of August , 1967, which sum of money with the interest thereon is still unpaid.

COUNT TWO

The Plaintiff claims of the Defendant \$ 995.81, on account stated between the Plaintiff and Defendant on the 7th day of August , 1967, which sum of money with interest thereon is still unpaid.

An itemized verified statement of account is attached hereto and made a part hereof.


Attorney for Plaintiff
William H. Card, Jr.

Defendant's address:

Blue Island Drive
P. O. Box ~~222~~ 1315
Fairhope, Alabama

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

SEP 8 9 53 AM '67

COUNTY OF MOBILE

STATE OF ALABAMA

Be it remembered, that on this 6th day of September
A. D., 1967, personally appeared before me, the undersigned authority,
John W. Berg

who being duly sworn, upon his oath stated that he is credit manager known to me
of Metzger's, Incorporated

{ a corporation organized and doing business under the laws of the State of Alabama
{ and has been duly authorized by said corporation to make this affidavit
{ a partnership composed of _____

a sole trader doing business as _____
and that as such he makes this affidavit; that he is familiar with the books and business of
said Metzger's, Incorporated
C. P. Forrest of Fairhope, Alabama

is just and correct, within the knowledge of this affiant, that the items thereon stated and com-
posing the said account were sold and delivered to said C. P. Forrest

at { its }
{ their } special instance and request, that credit has been duly given for all payments and
{ his }

just and lawful offsets to which said account is entitled as thereon stated, and that the balance
thereof, amounting to the sum of NINE HUNDRED NINETY-FIVE AND 81/100 Dollars
(\$ 995.81) with interest from 19 is justly due and
remains unpaid.

I hereby certify under my official seal that I am authorized as a Notary Public to
administer oaths under the laws of the State of Alabama
and that the foregoing was subscribed and sworn to before me on the day and year
first above stated.

Notary Public

VNI

66 PAGE 341

METZGER'S, INC.

ITEMIZED STATEMENT FOR: Mr. C. P. Forrest

Balance Carried Forward \$1156.32

Ticket #247-11

dress	65.00	
dress	20.00	
	<u>5.10</u>	tax

Ticket #281-30

sport coat	50.00	
trousers	25.00	
trousers	19.95	
trousers	15.95	
	<u>6.66</u>	tax

Ticket 237-8

underwear	9.00	
underwear	7.50	
	<u>.99</u>	tax

Ticket #289-44

luggage	37.50	
shirt	8.95	
	2.79	tax
	<u>3.75</u>	tax

Ticket #282-40

shoes	31.50	
	<u>1.89</u>	tax

Ticket #252-1

luggage	54.95	
	3.30	tax
	<u>5.49</u>	tax

Ticket #234-47

hose	6.00	
handbag	11.95	
	1.08	tax
	<u>1.20</u>	tax

Receipt No. 20675

March, 1966

payment	600.00	payment	100.00
---------	--------	---------	--------

Ticket #311-8

May 14, 1966

luggage	85.00	
luggage	52.50	
luggage	40.00	
	<u>10.65</u>	tax

Ticket #927-4

May 28, 1966

shoes	35.00
	<u>2.10</u>

Ticket #921-17

May 31, 1966

cocktail dress	90.00
	<u>5.40</u>

tax

Ticket #325-44

May 18, 1966

underwear	7.50	
underwear	3.00	
handkerchiefs	6.00	
socks	12.00	
shirt	25.00	
shirt	18.50	
shirts	10.00	
shirts	47.00	
ties	20.00	
ties	15.00	
ties	8.50	
	<u>10.55</u>	tax

Ticket #314-37

May 26, 1966

suit	90.00
	<u>5.40</u>

tax

Ticket #314-35

May 28, 1966

sport coat	135.00	
pants	40.00	
	<u>10.50</u>	tax

Ticket #314-36

May 28, 1966

suit	59.50	
	<u>3.54</u>	tax

Receipt No. 34732

payment	500.00
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Receipt No. 34573

payment	500.00
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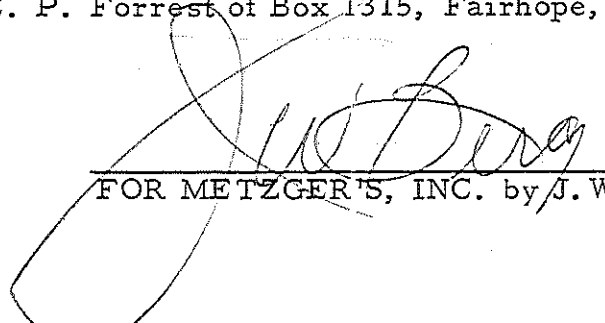
ACCUMULATED SERVICE CHARGE ADDED BEGINNING SEPTEMBER 1961
THROUGH AUGUST 1967, \$396.55.

May 1967

payment	100.00
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TOTAL BALANCE DUE: \$995.61

The above balance of \$995.81 represents a true and just account as due
METZGER'S, INC. by C. P. Forrest of Box 1315, Fairhope, Alabama.



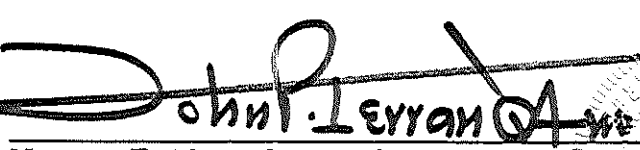
FOR METZGER'S, INC. by J.W. Berg, Cr. Mgr.

Subscribed and sworn to before me this first day of September, 1967

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

SEP 8 9 53 AM '67


CLERK



Notary Public, State of Alabama at Large

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

C. P. FORREST

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
METZGER'S, INCORPORATED, a corporation

WITNESS: John E. Mandeville, Clerk of said Court, this 8th day of SEPTEMBER, 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.

249-15-67

REC'D. SHERIFF DEPT.
MOBILE COUNTY, ALA.

SEP 11 3 43 PM '67

BY _____

R. mail 23560 - H
JUDGE _____ DOCKET _____

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

METZGER'S, INCORPORATED, a corp.

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff
BY Roy Randall
DEPUTY SHERIFF

VS. } Complaint and Summons

C. P. FORREST

Issued 8th day of SEPTEMBER, 1967

Defendant's Address

Blue Island Drive
P.O. Box 1315
Fairhope, Alabama

WILLIAM H. CARD, JR.

Plaintiff's Attorney

Received 13 day of Sept. 1967
d on 15 day of Sept 1967
served a copy of the writ on C. P. Forrest
service on above & wife
TAYLOR WILKINS, Sheriff
By Roy Randall D. S.

ERNEST M. BAILEY
ATTORNEY AT LAW
56 NORTH SECTION STREET
P. O. BOX 361
FAIRHOPE, ALABAMA 36532
PHONE 928-2393

23RD
OCTOBER
1967

CIRCUIT COURT OF MOBILE COUNTY
COURT HOUSE BUILDING
MOBILE, ALABAMA

GENTLEMEN:

RE: METZGER'S, INCORPORATED
VS: C. P. FORREST
CASE No. 23560 *h*

PLEASE FILE THE ATTACHED PLEA IN ABATEMENT IN THE ABOVE
STYLED CAUSE. MR. WILLIAM CARD, ATTORNEY FOR THE
PLAINTIFF, SHOULD BE SERVED WITH A COPY.

THANKING YOU IN ADVANCE, I AM

YOURS VERY TRULY,

Ernest M. Bailey
ERNEST M. BAILEY

EMB/TS
ENCL. *FILED IN MOBILE CO.
TO IDENTIFY THIS PLEADING
WAS FILED IN*

OCT 23 8 34 AM '67

John A. ...
CLERK

METZGER'S, INCORPORATED,
A CORPORATION,

PLAINTIFF,

VS.

C. P. FORREST,

DEFENDANT.

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CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA,
AT LAW

CASE No. 23560 H

COMES NOW THE DEFENDANT IN THE ABOVE STYLED CAUSE
AND APPEARS SPECIALLY FOR FILING THIS PLEA IN ABATEMENT AND
FOR REASON THEREFORE SAYS: THAT HE IS A RESIDENT OF FAIRHOPE,
BALDWIN COUNTY, ALABAMA, AND WAS A RESIDENT OF SAID CITY AT
THE TIME THE INDEBTEDNESS SUED FOR WAS INCURRED, AND AT THE
TIME OF FILING THE SUIT IN THE CIRCUIT COURT OF MOBILE COUNTY,
ALABAMA.

FOR THE REASON HEREIN, SAID SUIT SHOULD BE ABATED IN
THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA.

James M. Bailey
ATTORNEY FOR DEFENDANT

STATE OF ALABAMA,

BALDWIN COUNTY.

BEFORE ME, PERSONALLY APPEARED C. P. FORREST, WHO HAVING
FIRST BEEN DULY SWORN, DEPOSES AND SAYS THAT THE FACTS IN THE
FOREGOING ARE TRUE.

C. P. Forrest
C. P. FORREST

SWORN TO AND SUBSCRIBED TO BEFORE ME ON THIS THE 23rd DAY OF
October, 1967.

James M. Bailey
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

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

OCT 26 8 34 AM '67

James M. Bailey
CLERK

VOL 66 PAGE 347

FRIDAY, NOVEMBER 10, 1967

METZGER'S, INCORPORATED, a)	
Corporation)	
HOCKLANDER)	PLEA IN ABATEMENT SUSTAINED,
-vs- 23560)	AND CASE ORDERED TRANSFERRED
C.P. FORREST)	TO BALDWIN COUNTY,

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed October 26, 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 October 26, 1967, in this cause be, and the same is hereby sustained, and Case ordered transferred to Baldwin County.

Minute Book 36

Page 316

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 10th day of November, 1967, in the cause
entitled No. 23560 - METZGER'S, INCORPORATED, a Corporation

_____, Plaintiff,
— versus — C.P. FORREST

Defendant, (~~Together with the case number thereof~~), as the same remains of record in this office in
Minute Book No. 36, Page No. 316

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 14th day of November, 1967.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 25560METZGER'S, INCORPORATED, a Corporation

Plaintiff

VS.

C.P. FORREST

Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957
Appvd. Sept. 20, 1957)
(Amend Sec. 21, Title 11, Code Ala. 1940)

BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES

Pltff.

Deft.

Suits for \$100 or less	\$ 6.00		
Suits for over \$100 but less than \$1,000	10.00	10	00
Suits for \$1,000 and over	20.00		
Suits in detinue, ejectment, etc.	10.00		
Suits not otherwise provided	10.00		
Writs, Mandamus, Prohibition, etc.	15.00		
Appeals from Court General Sessions	15.00		
Appeals from Probate Court	20.00		
Appeals from JP Courts	6.00		
Appeals from State Dept of Pub. Safety, and other State Agencies	10.00		
Workmen's Compensation Settle.	10.00		
Garnishment on Judgment	6.00		
Order of Sale, Motions to sell.	6.00		
Recording executions from State Agencies	3.00		
Cert. Copy of Record - per 100 words	.15	80	
Taking Appeal Bond	.75		
Record for Supreme Court etc., per 100 words	.15		
Add'l Copies of Record for Supreme Court, per 100 words	.05		
Checking - including Reporters Transcript of Evidence	10.00		
Certifying Abstract in lieu of Transcript on Appeal	5.00		
Collecting Money on Judgments over 30 days old; ½ the percentage allowed Sheriffs	\$		
Total	\$	20	80

SHERIFF'S FEES

Pltff.

Deft.

Mileage \$7.00	
Serving Summons & Complaint	\$ 1.50
Serving Writ of Garnishment	1.50
Serving Sci Fa.-Notices	1.50
Levying Attachment & Return	6.25
Executing Writ Possession	5.00
Seizing personal property under Writ of Detinue	6.00
Serving subpoenas, each75
Impanelling Jury75
Taking & Approving Bond	2.00
Collecting Costs Execution	1.50
Serving Contempt Writ	1.50
Making Deed for Property sold	2.50
Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3%	\$
.....
.....	\$
Total	\$

RECAPITULATION

Clerk	_____
Sheriff	_____
Inferior Civil Court	_____
Justice Peace fees	_____
Witness fees	_____
Commissioner's fees	_____
Certificate of Judgment	_____
Judgment	_____
10% Damages	_____
Interest	_____
Stenographer's fees (\$10.00 Day)	_____
Library fee	_____
Trial Tax (County)	_____
Trial Tax (State)	_____
Advertisement	_____
Garnishee's fees	_____

\$23.80

I respectfully beg to advise that if this bill for costs is not paid before _____ 19____, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk