

THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

<u>Dr. Ernest G. DeBakey</u>	:	Case No. <u>58061</u>
Plaintiff	:	
VS	:	Filed: June 2, 1967
	:	Summons Issued: June 12, 1967
	:	Returnable: July 10, 1967
	:	Service Had: 6-28-67
<u>Arthur Heaton</u>	:	Cause of Actions: Complaint & Summons
Defendant	:	Attorney for Plaintiff: W. H. Card, Jr.
Amount of Claim: <u>125.00</u>	:	Attorney for Defendant: Arthur Epperson
	:	

7-24-67

7-10-67 Deft.'s Plea in Abatement filed

Sept. 18

Nov. 13

11-20-67 Defendant's Plea in Abatement sustained. ELH

Cause transferred to Circuit Court of Baldwin County. ELH

E. L. Heaton
Special Judge

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 6th day of December, 1967.

J. D. Richardson
Clerk of The Court of General Sessions
of Mobile County

ERNEST G. DEBAKEY

Plaintiff

VS.

ARTHUR HEATON

defendant

GENERAL SESSIONS COURT

MOBILE COUNTY, ALABAMA

ATY LAW

CASE NO 58061

Now comes the defendant in the above entitled cause, solely and specially for the purpose of filing this plea in abatement, and for no other purpose, and without submitting himself to the court and the general jurisdiction thereof says: That the plaintiff cannot maintain his suit in this Court for that the defendant, was at the time of the filing of this suit and is at the present time a citizen resident of Foley, Baldwin County, Alabama and has been continuously a citizen resident of Foley, Baldwin County, Alabama, for the past ten years, and that the cause of action, if any, sued on by the plaintiff, arose, if at all, in Baldwin County, Alabama and not in Mobile County, Alabama.

Wherefore, the defendant prays that this suit be abated, and that he be discharged with reasonable costs in his behalf expended.

Arthur Heaton
Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Arthur C. Epperson, a Notary Public in and for the State of Alabama, at large, personally appeared Arthur Heaton, who being by me first duly sworn, deposes and says that the averments made in the foregoing plea in abatement are true.

Subscribed and sworn to before me this the 8th day of July,

1967.

Arthur C. Epperson
Notary Public, State of Alabama, at large

7/10/67

ERNEST G. DEBAKEY
Plaintiff

VS.

ARTHUR HEATON
Defendant

TRANSFER FROM
GENERAL SESSIONS COURT
MOBILE COUNTY, ALABAMA

CASE NO 58061

TO

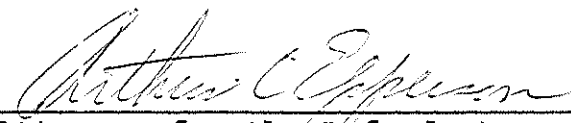
CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 1907

PLEA 1

Comes the Defendant and for answer to the Complaint heretofore filed in this cause says: that the debt for which the plaintiff sues was due and payable more than three years preceeding the filing of this action and which is affirmatively shown by the plaintiff's attached verified itemized statement of account. The Defendant further says that the plaintiff is barred by law from prosecuting this action against the Defendant. Code of Alabama 1940, Title 7, Section 24.


Attorney for the Defendant

FILED

JAN 17 1968

ALICE J. BUCK CLERK
REGISTER

TRANSFER

NOTICE of ~~APPEAL~~

STATE OF ALABAMA, }
MOBILE COUNTY }

Dr. Ernest G. DeBakey

Plaintiff

VS.

Arthur Heaton

Defendant

To Arthur Heaton

in said Cause: Dr. Ernest G. DeBakey VS Arthur Heaton

You are hereby notified that Dr. Ernest G. DeBakey

the Plaintiff in the above entitled cause has prayed and obtained a transfer to the Circuit Court of Baldwin County, Alabama from the ~~Circuit Court of Baldwin County~~ ~~from 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 6 day of December, 1967

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

844

Ex 11-15-67

Case No. 58061

7900

Dr. Ernest G. DeBakay

Plaintiff,

VS

Arthur Heayon
City of Foley, Foley, Alabama

Defendant.

TRANSFER
NOTICE OF ~~APPEAL~~

Returnable To The Circuit Court
OF BALDWIN COUNTY

Issued: December 6, 1967

Serve On:

Arthur Heayon

REC'D SHERIFF DEPT.
BALDWIN COUNTY, ALA.

DEC 7 6 44 AM '67

BY

Received 8 day of Dec. 1967
and on 15 day of Dec. 1967
served a copy of the within Noting

Arthur Heayon

y Service on

Phone
TAYLOR WILKINS, Sheriff
J. M. Eastman
Foley, Ala.

Sheriff claims 7.2 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY J. M. Eastman
DEPUTY SHERIFF

TRANSFER

NOTICE of ~~APPEAL~~

STATE OF ALABAMA, }
MOBILE COUNTY }

Dr. Ernest G. DeBakey

Plaintiff

VS.

Arthur Heaton

Defendant

To Arthur Heaton

in said Cause: Dr. Ernest G. DeBakey VS Arthur Heaton

You are hereby notified that Dr. Ernest G. DeBakey

the Plaintiff in the above entitled cause has prayed and obtained a transfer to the Circuit Court of Baldwin County, Alabama from the ~~appeal from the judgment therein rendered by~~ ~~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 6 day of December 1967

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

Case No. 58061

Dr. Ernest G. DeBakey

Plaintiff,

VS

Arthur Heayon
City of Foley, Foley, Alabama

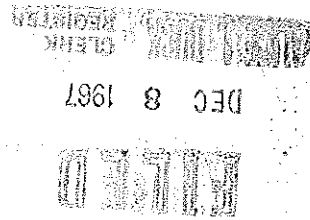
Defendant.

TRANSFER
NOTICE OF ~~APPEAL~~

Returnable To The Circuit Court
OF BALDWIN COUNTY

Issued: December 6, 1967

Serve On:



Wm. Card
ATTORNEYS FOR PLTF:—

COST BILL

THE STATE OF ALABAMA }
MOBILE COUNTY

The Court of General Sessions
of Mobile County

Dr. Ernest G. Nebekey
Plaintiff
Arthur Hester
Defendant

CASE NO. *58061*

COURT FEES

Summons and proceedings thereon to judgment	\$1.00	✓
Docketing each cause .....	.10	✓
Attachment Bond and Affidavit	1.50	
Issuing each Attachment .....	.50	
Summoning Garnishee and taking examination .....	.75	
Subpoena for each witness .....	.15	
Execution and taxing costs thereon .....	.50	
Each appeal or certiorari, including bond and certificate of proceedings	1.00	✓
Every necessary Certificate or Notice not otherwise provided for .....	.25	✓
For issuing each Writ of Detinue .....	.50	
For each Scire Facias, or notice in the nature thereof .....	.50	
Every other Bond .....	.50	
Administering an oath and certifying the same .....	.25	
Issuing Notice of Appeal .....	.25	
Law Library Fee	1.00	✓
Judgment Ni Si against Garnishee .....	.50	
Writ of Discovery .....	.50	
Writ of Contempt .....	.50	
Writ of Arrest .....	.50	
Alias Summons	1.00	
Witness Fee fifty cents for each day's attendance		
.....		
.....		
.....		
.....		
.....		
.....		
TOTAL	\$	

SHERIFF'S FEES

Levying Attachment	6.00	
Entering and returning same .....	.25	
Summoning Garnishee and making return	1.50	
Serving Summons and other mesne process, and returning the same	1.50	✓
Summoning each Witness and returning Subpoena .....	.75	
Collecting execution for costs only	1.50	
Serving Scire Facias or other like notice	1.50	
Serving any summons not herein provided for, and making return	1.50	✓
Seizing personal property under Writ of Detinue	6.00	
Taking care of such property, such just compensation as Court may fix		
Taking and approving bonds of every kind	2.00	
When property is sold under execution or attachment		
Commission:	5%	
When sale is stayed by restraining order <i>mileage</i>	<i>2 1/2 %</i>	<i>7.20</i>
Total	\$	
GRAND TOTAL	\$	<i>13.55</i>

I respectfully call your attention to the above Court Cost Bill which if not paid by _____
19_____, it will be my unpleasant duty to issue execution on your property for the recovery of the same.
J. D. Richardson, Clerk

ERNEST G. DEBAKEY
Plaintiff

VS.

ARTHUR HEATON
defendant

GENERAL SESSIONS COURT

MOBILE COUNTY, ALABAMA

ATTLAW

CASE NO 58061

Now comes the defendant in the above entitled cause, solely and specially for the purpose of filing this plea in abatement, and for no other purpose, and without submitting himself to the court and the general jurisdiction thereof says: That the plaintiff cannot maintain his suit in this court for that the defendant, was at the time of the filing of this suit and is at the present time a citizen resident of Foley, Baldwin County, Alabama and has been continuously a citizen resident of Foley, Baldwin County, Alabama, for the past ten years, and that the cause of action, if any, sued on by the plaintiff, arose, if at all, in Baldwin County, Alabama and not in Mobile County, Alabama.

Wherefore, the defendant prays that this suit be abated, and that he be discharged with reasonable costs in his behalf expended.

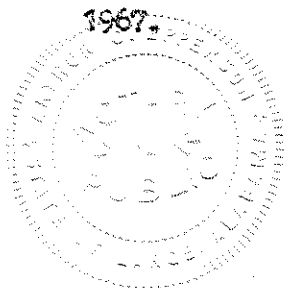
Arthur H. Heaton
Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Arthur C. Epperson, a Notary Public in and for the State of Alabama, at large, personally appeared Arthur Heaton, who being by me first duly sworn, deposes and says that the averments made in the foregoing plea in abatement are true.

Subscribed and sworn to before me this the 5th day of July,



Arthur C. Epperson
Notary Public, State of Alabama, at large

DR. ERNEST G. DEBAKEY

:: GENERAL SESSIONS COURT OF

Plaintiff

:: MOBILE COUNTY, ALABAMA

VS.

ARTHUR HEATON

:: AT LAW

Defendant

:: CASE NO. _____

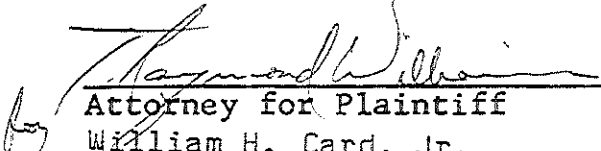
COUNT ONE

The Plaintiff claims of the Defendant \$ 125.00 , due from him by account on the 4th day of June , 1963, which sum of money with the interest thereon is still unpaid.

COUNT TWO

The Plaintiff claims of the Defendant \$ 125.00 , on account stated between the Plaintiff and Defendant on the 4th day of June , 1963, 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:

City of Foley
Foley, Alabama

COUNTY OF MOBILE
STATE OF ALABAMA

Be it remembered, that on this 24th day of May
A. D., 1967, personally appeared before me, the undersigned authority,
Dr. Ernest G. DeBakey known to me
who being duly sworn, upon his oath stated that he is
of
{ a corporation organized and doing business under the laws of the State of
and has been duly authorized by said corporation to make this affidavit
a partnership composed of
a sole trader doing business as a physician
and that as such he makes this affidavit; that he is familiar with the books and business of
said Arthur Heaton; that the attached account against
of Gen. Del Foley, Ala.
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 Arthur Heaton
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 ONE HUNDRED AND TWENTY-FIVE Dollars
(\$ 125.00) 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

COMPLAINT AND SUMMONS

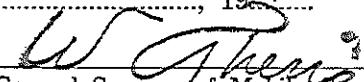
REPORT TO GENERAL SESSIONS
COURTROOM "B" FIRST FLOORThe State of Alabama, }
MOBILE COUNTY

TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon ARTHUR HEATONto be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile
County, on the 10 day of July, 1967 at the hour of 9:00 A.M.,
then and there to answer a complaint of DR. ERNEST G. DEBAKEY

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 12 day of June, 1967
Clerk of the Court of General Sessions of Mobile County.

Cause of Action

I
COMPLAINT AND SUMMONS

Atty. for Plaintiff: WILLIAM H. CARD, JR.

Atty. for Defendant:

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

No. 58061

Ret.

July 10, 1967

DR. ERNEST G. DEBAKEY

VS.

ARTHUR HEATON

City of Foley

Foley, Ala.

Continued To

Executed by Service on

Defendant

This day, 19.....

Sheriff of Mobile County

By
Deputy Sheriff

COMPLAINT AND SUMMONS

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

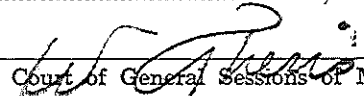
TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon ARTHUR HEATON

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 10 day of July, 1967 at the hour of 9:00 A.M., then and there to answer a complaint of DR. WINSTON G. DEBAKEY

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 12 day of June, 1967
Clerk of the Court of General Sessions of Mobile County.

Cause of Action

COMPLAINT AND SUMMONS

Atty. for Plaintiff: **WILLIAM H. CARD, JR.**
Atty. for Defendant:

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

No. **58061**

Ret.

July 10, 1967

DR. ERNEST G. DEBAKEY

VS.

ARTHUR HEATON
City of Foley
Foley, Ala.

Continued To

RECEIVED

JUN 21 1967

TAYLOR WILKINS
SHERIFF

Executed by Service on

Arthur Heaton

Defendant

This **28** day **June**, 19**67**

Taylor Wilkins
Sheriff of Mobile County

By **J. M. Eastman**
Foley, Ala. - Deputy Sheriff

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

JUN 13 1 42 PM '67

BY

Sheriff claims **72** miles at
Ten Cents per mile Total \$ **7.20**
TAYLOR WILKINS Sheriff
BY **J. M. Eastman**
DEPUTY SHERIFF

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