

NOTICE of APPEAL

STATE OF ALABAMA, }
MOBILE COUNTY }

Carnes Corporation

Plaintiff

VS.

Gene E. McKenzie, dba Fairhope Heating

& Air Conditioning

Defendant

To Gene E. McKenzie, dba Fairhope Heating & Air Conditioning

in said Cause: Carnes Corp. VS Gene E. McKenzie etc.

You are hereby notified that.....

Carnes Corporation

the Plaintiff in the above entitled cause has prayed and obtained a transfer to The Circuit Court of Baldwin County, Alabama 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 1 day of February 19 68

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

Case No. 62160 **7980**

Carnes Corporation

Plaintiff,

VS

**Gene E. McKenzie, dba Fairhope Heating
& Air Conditioning
515 Horton Road, Fairhope, Alabama**

Defendant.

**TRANSFER
NOTICE OF APPEAL**

**Returnable To The Circuit Court
of Baldwin**

Issued: February 1, 1968

Serve On:

Gene K. McKenzie, dba Fairhope Htg. & Air Conditioning

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

FEB 21 8 47 AM '68

BY

Sheriff claims 70 dollars at

day of Feb. 1968

By Ray Randall
DEPUTY SHERIFF

Served 6 day of Feb. 1968
13 day of Feb. 1968
as a copy of the within
Gene E. McKenzie

Service on above G. E. McKenzie

TAYLOR WILKINS, Sheriff
By R. Randall D. S.

JUDGE PAUL W. BRUNSON
THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY
MOBILE COUNTY COURT HOUSE
MOBILE, ALABAMA 36602

February 1, 1968

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

RE: Carnes Corporation
VS
Gene E. McKenzie, dba Fairhope Htg. & A/C
Case No. 62460

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 & Summons
No. 2	Sheriff's Return on Complaint & 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.

Yours verity truly,

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

All papers in this cause received in The Circuit Court of Baldwin County, Alabama, this the _____ day of _____, 1968.

FILED

FEB 5 1968

ALICE J. DUCK

CLERK
REGISTER

Clerk of The Circuit Court of Baldwin
County, Alabama

COST BILL

THE STATE OF ALABAMA }
MOBILE COUNTY }The Court of General Sessions
of Mobile CountyCarnes Corp.
Plaintiff
Dene E. McFarlane dba
Defendant
Trishope Testing & C/L

CASE NO. 62460

COURT FEES

Summons and proceedings thereon to judgment	\$1.00	<input checked="" type="checkbox"/>
Docketing each cause .....	.10	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>
Every necessary Certificate or Notice not otherwise provided for .....	.25	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>
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	<u>Mileage</u> 2.25 <u>7.00</u>	
Total	\$	
GRAND TOTAL	\$	<u>13.35</u>

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

MEMO-LETTER

JOHN V. DUCK
Attorney at Law
P. O. DRAWER Y - FAIRHOPE, ALABAMA

MESSAGE

REPLY

TO Court of General Sessions
Mobile County
Mobile, Ala.

DATE December 28, 1967

Re: Carnes Corporation vs. Gene E. McKenzie
dba Fairhope Heating & Air Conditioning
Case No. 62460

Gentlemen:

Enclosed please find Plea in Abatement to
be filed in captioned case.

Sincerely,

John V. Duck
(JVD)

SIGNED

DATE

SIGNED

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 GENE D. McINTIRE, individually and d/b/aFAIRHOPE HEATING AND AIR CONDITIONINGto be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 3 day of JANUARY, 1968 at the hour of 9:00 A.M., then and there to answer a complaint of CARLOS CORPORATION, a corporation

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 17 day of NOVEMBER, 1967J. D. Richardson
Clerk of the Court of General Sessions of Mobile County.

Cause of Action

11
COMPLAINT AND SUMMONS

Atty. for Plaintiff: HOLEMAN, TULLEY AND RODRIGUEZ
Atty. for Defendant:

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

No. 62160

Ret.

JAN. 3, 1968
CARNES CORPORATION

VS.

GEORGE E. MCKENZIE, d/b/a FAIR HOPE HEATING AND AIR CONDITIONING
515 HORTON RD.
PRATTOUR, ALA.

Continued To

RECEIVED
NOV 28 1967

TAYLOR WILKINS
SHERIFF

Sheriff's Return

Executed by Service on

George E. McKenzie
Defendant

This 1 day Dec, 1967

Bref
Sheriff of Mobile County

By Roy Randall
Deputy Sheriff

W. L. Lyle

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

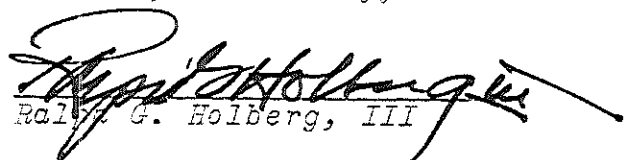
#7980

CARNES CORPORATION, a	)	IN THE COURT OF
corporation,)	
Plaintiff,	)	GENERAL SESSIONS
us.	)	OF
GENE E. MCKENZIE, individually)	
and doing business as FAIRHOPE)	
HEATING AND AIR CONDITIONING	)	MOBILE COUNTY, ALABAMA
Defendant.	)	CASE NO. _____

COUNT ONE

The Plaintiff claims of the Defendant the sum of FOUR HUNDRED SEVENTY-ONE AND 02/100 (\$471.02) DOLLARS, due from him by account on, to-wit, the 11th day of October, 1966, which sum of money, with the interest thereon, is still unpaid. This count is based upon an itemized statement verified by the affidavit of a competent witness.

HOLBERG, TULLY AND HODNETTE
Attorneys for Plaintiff

By 
Ralph G. Holberg, III

Defendant's address for service of process:

515 Horton Road
Fairhope, Alabama

11/10

STATE OF Wisconsin

COUNTY OF Dane

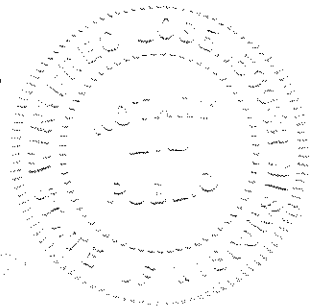
Before me, the undersigned authority in and for said County and in said state, personally appeared John de Zutter who being known to me and being by me first duly sworn, did depose and say on oath, that the attached statement of account is true, valid & correct, as reflected upon the books and records of the claimant, and that the affiant has actual and personal knowledge of the verity of said account, and that the books, records and accounts of the claimant are kept and maintained under the supervision and control of the undersigned.

John de Zutter
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE
ME THIS 7th DAY OF August, 1962.

Winifred K. Koenig
NOTARY PUBLIC

SEAL



STATEMENT

CARNES CORPORATION

VERONA, WISCONSIN

PHONE 845-6411

CARNES®

Fairhope Heating & Air Conditioning
P. O. Box 897
Fairhope, Alabama

ACCOUNT NO.

MO. DAY YR.

STATEMENT
DATE

MO. DAY YR.

BALANCE BROUGHT FORWARD

DATE

CHARGES

CREDITS

BALANCE DUE

MO. DAY YR.

INVOICE
NUMBERSHIPPING
EXPENSE

MERCHANDISE

9/23/66
9/28/67
10/11/66

54297
53469
53470

52.34
184.66
209.47

446.47

COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS
COURTROOM "B" FIRST FLOOR

The State of Alabama, }
MOBILE COUNTY

TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon GENE E. MCKENZIE, individually and d/b/a
FAIRHOPE HEATING AND AIR CONDITIONING

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile
County, on the 3 day of JANUARY, 19 68 at the hour of 9:00 A.M.,
then and there to answer a complaint of CARNES CORPORATION, a corporation

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 17 day of NOVEMBER, 19 67

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

Cause of Action

COMPLAINT AND SUMMONS

Atty. for Plaintiff: HOLBERG, TULLY AND HODNETTE

Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 62460

Ret.

JAN. 3, 1968

CARNES CORPORATION

VS.

GENE E. MCKENZIE, d/b/a FAIR HOPE HEATING AND AIR CONDITIONING
515 HORTON RD.
FAIRHOPE, ALA.

Continued To

Executed by Service on

Defendant

This day, 19.....

Sheriff of Mobile County

By
Deputy Sheriff

NOTICE of APPEAL

STATE OF ALABAMA, }
MOBILE COUNTY }

Carnes Corporation

Plaintiff

VS.

Gene E. McKenzie, dba Fairhope Heating

& Air Conditioning

Defendant

To Gene E. McKenzie, dba Fairhope Heating & Air Conditioning

in said Cause: Carnes Corp. VS Gene E. McKenzie etc.

You are hereby notified that

Carnes Corporation

the Plaintiff in the above entitled cause has prayed and obtained a transfer to The Circuit Court of Baldwin County, Alabama 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 1 day of February 19 68

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

Garnes Corporation

Plaintiff,

VS

Gene E. McKenzie, dba Fairhope Heating
& Air Conditioning
515 Horton Road, Fairhope, Alabama

Defendant.

TRANSFER
NOTICE OF ~~ARREST~~

Returnable To The Circuit Court
of Baldwin

Issued: February 1, 1968

Serve On:

Gene K. McKenzie, dba Fairhope Htg. & Air Conditioning

THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

<u>Carnes Corporation</u>	)	Case No. <u>62460</u>
Plaintiff	(
VS	(	Filed: November 10, 1967
Gene E. McKenzie, dba Fairhope Heating	(	Summons Issued: Nov. 17, 1967
& Air Conditioning Defendant	(	Returnable: January 3, 1968
Amount of Claim: <u>\$471.02</u>	(	Service Had: 12-1-67
	(	Cause of Action: Complaint & Summons
	(	Attorney for Plaintiff: Holberg, Tully & Hodges
	(	Attorney for Defendant: John Duck

1-31-68 f/d

Plea In Abatement filed 1-3-68

1-31-68 Transfer to Circuit Court of Baldwin County.

P. E. W. W. W. W. W.

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 1st day of February, 1968.

J. P. Richardson
Clerk of The Court of General Sessions
of Mobile County, Alabama

CARNES CORPORATION, a corporation,)
Plaintiff,)
vs.)
GENE E. McKENZIE, individually)
and doing business as FAIRHOPE)
HEATING AND AIR CONDITIONING,)
Defendant.)

IN THE COURT OF GENERAL
SESSIONS OF MOBILE COUNTY,
ALABAMA, CASE NO.62460

PLEA IN ABATEMENT

Comes now the Defendant, GENE E. McKENZIE, individually and
doing business as FAIRHOPE HEATING AND AIR CONDITIONING, and shows
unto the Court that this cause should be abated, and for grounds
therefor, assigns the following separately and severally:

1. That the Defendant at the time that this cause of
action arose, was a resident citizen of Baldwin County, Alabama,
and is presently a citizen of Baldwin County, Alabama, and was a
resident of Baldwin County, Alabama at the time said suit was
brought, and that Mobile County has no jurisdiction over this
cause and hence this action should be abated.

Gene E McKenzie
GENE E. McKENZIE, individually and
doing business as FAIRHOPE HEATING
AND AIR CONDITIONING.

The Defendant respectfully
demands a Trial by Jury.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared
GENE E. McKENZIE, individually and doing business as FAIRHOPE
HEATING AND AIR CONDITIONING, who being by me first duly and
legally sworn, doth depose and say that the matters and facts
alleged in the foregoing Plea in Abatement are true and correct.

Gene E McKenzie
GENE E. McKENZIE, individually and
doing business as FAIRHOPE HEATING
AND AIR CONDITIONING.

Sworn to and subscribed before
me this 28 day of December, 1967.

Lucia Higbee
NOTARY PUBLIC, Baldwin County, Ala.

CERTIFICATE OF SERVICE
This is to certify that I have this day served counsel
for the opposing party in the foregoing matter with a copy
of this pleading by depositing in the United States Mail
a copy of same in a properly addressed envelope with
adequate postage thereon.

This 28 day of December, 1967
John V. Dick
Attorney for Defendant