

COMPLAINT AND SUMMONS

#7981
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 ROBERT LEE MCGASTER, 31 Cedar Street,
Foley, Alabama

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile
County, on the 27 day of April, 1967 at the hour of 9:00 A.M.,
then and there to answer a complaint of WRIGHT DISCOUNT 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 March, 1967

W. F. Harris
Clerk of the Court of General Sessions of Mobile County

Cause of Action

CAUSE OF ACTION: Plaintiff claims of Defendant (s) \$ 584.00
due by written contract (s) made between Defendant (s) and Plaintiff
on, to-wit: May 22, 1966
and according to the terms of said contract (s) Defendant (s) waived
all right to any exemption under the Constitution and laws of the State
of Alabama and further agreed to pay a reasonable attorneys fee,
which sum of money with the interest thereon is still due and unpaid.
Plaintiff avers Defendant (s) defaulted under the terms of said con-
tract (s) on, to-wit: December 31, 1966

James P. Slepian
McDERMOTT, SLEPIAN & FEIBELMAN, Attys. for Plaintiff

COMPLAINT AND SUMMONS

Atty. for Plaintiff: McDERMOTT, SLEPIAN
& FEIBELMAN
Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 55190

Ret. April 27, 1967

WRIGHT DISCOUNT CORPORATION,
a corporation
VS.

ROBERT LEE MCGASTER

Continued To

Executed by Service on

Defendant

This day, 19.....

Sheriff of Mobile County

By
Deputy Sheriff

COPY

FOREST A. CHRISTIAN

ATTORNEY AT LAW

P. O. DRAWER 190

AREA CODE 205 - PHONE 943-2201

RES. 943-7102

FOLEY, ALABAMA 36535

January 25, 1969

Mr. Robert Lee McGaster
P. O. Box 939
Foley, Alabama 36535

Re: Wright Discount Corp.
Vs: Robert Lee McGaster
Case No. 7981

Dear Mr. McGaster:

On January 13, I wrote you as follows:

"Your case has been set for trial on Friday, January 31, 1969, in Baldwin County Circuit Court, Bay Minette, Alabama. You must see me before then and be there that day in Court if you wish to defend the case.

"I have written you previously. Unless I hear from you by January 20, 1969, I will withdraw from case. You have not paid me a retainer fee."

Since I have not heard from you, I do hereby withdraw from this case and if you wish to defend it, you should be in Court preferably with another attorney of your choice.

Cordially yours,



FOREST A. CHRISTIAN

cc: Clerk of Court

NOTE TO CLERK: Please attach to docket sheet.

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: Wright Discount Corp.
VS
Robert Lee McGaster Case No.
55190

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	Demurrers to Plea in Abatement
No. 5	Certified Copy of Docket Sheet
No. 6	Cost Bill
No. 7	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 very 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

Clerk of The Circuit Court of
Baldwin County, Alabama

Alice J. Duck CLERK
REGISTER

7981
COPY

FOREST A. CHRISTIAN

ATTORNEY AT LAW

P. O. DRAWER 190

AREA CODE 205 - PHONE 943-2201

RES. 943-7102

FOLEY, ALABAMA 36535

January 13, 1969

Robert Lee McGaster

P. O. Box 939

Foley, Alabama 36535

Re: Write Discount Corporation

Vs: Robert Lee McGaster

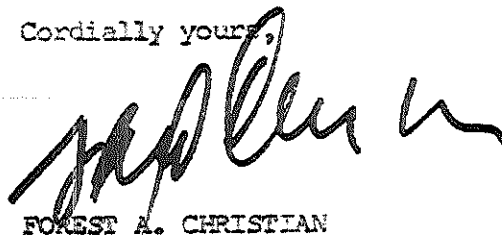
General Sessions No. 55, 190

Dear Robert:

Your case has been set for trial on Friday, January 31, 1969, in Baldwin County Circuit Court, Bay Minette, Alabama. You must see me before then and before that day if you wish me to defend the case.

I have written you previously. Unless I hear from you by January 20, 1969, I will withdraw from case. You have not paid me a retainer fee.

Cordially yours,



FOREST A. CHRISTIAN

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 ROBERT LEE McGASTER, 31 Cedar Street,
Foley, Alabamato be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile
County, on the 27 day of April, 1967 at the hour of 9:00 A.M.,
then and there to answer a complaint of WRIGHT DISCOUNT 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 March, 1967M. J. J. J.
Clerk of the Court of General Sessions of Mobile County.~~Cause of Action~~CAUSE OF ACTION: Plaintiff claims of Defendant (s) \$ 584.00
due by written contract (s) made between Defendant (s) and Plaintiff
on, to-wit: May 28, 1966
and according to the terms of said contract (s) Defendant (s) waived
all right to any exemption under the Constitution and laws of the State
of Alabama and further agreed to pay a reasonable attorneys fee,
which sum of money with the interest thereon is still due and unpaid.
Plaintiff avers Defendant (s) defaulted under the terms of said con-
tract (s) on, to-wit: December 5, 1966McDERMOTT, SLEPIAN & FEIBELMAN, Attys. for Plaintiff

COMPLAINT AND SUMMONS

Atty. for Plaintiff: **McDERMOTT, SLEPIAN
& FRIBELMAN**
Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 53790

Ret.

April 27, 1967
WRIGHT DISCOUNT CORPORATION,
a corporation **vs.**

ROBERT LEE MCGASTER

Continued To

RECEIVED

MAR 24 1967

TAYLOR WILKINS
SHERIFF

Executed by Service on

Robert Lee McGaster
Defendant

This 4th day April, 1967

Sheriff of Mobile County

By J. M. Eastburn
Deputy Sheriff

Behind the Discount Barber Shop
Foley, Ala.

REC'D SHERIFF DEPT
MOBILE COUNTY, ALA
MAR 20 10 06 AM '67

BY

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

McDERMOTT, SLEPIAN & FEIBELMAN

ATTORNEYS AT LAW

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

November 13, 1967

WILLIAM H. McDERMOTT

RONALD P. SLEPIAN

HERBERT P. FEIBELMAN, JR.

THOMAS E. BRYANT, JR.

EDWARD B. McDERMOTT

MAILING ADDRESS:

P. O. BOX 1374

PHONE 432-2632

Honorable Forest A. Christian
Attorney at Law
Post Office Drawer 190
Foley, Alabama 36535

Re: Wright Discount Corporation
Vs
Robert Lee McGaster
General Sessions No. 55,190

Dear Mr. Christian:

This case is now set for February 1, 1968. I intend
to proceed to judgment on that date.

With kindest regards and all best wishes, I am,

Sincerely yours,


Edward B. McDermott
For the Firm

EBM/rw

CC: Court of General Sessions

McDERMOTT, SLEPIAN & FEIBELMAN

ATTORNEYS AT LAW

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

WILLIAM H. McDERMOTT

RONALD P. SLEPIAN

HERBERT P. FEIBELMAN, JR.

THOMAS E. BRYANT, JR.

EDWARD B. McDERMOTT

MAILING ADDRESS:

P. O. BOX 1374

PHONE 432-2632

Drawer 202

Honorable Forest A. Christian
Attorney at Law
Post Office Drawer 190
Foley, Alabama 36535

Re: Wright Discount Corporation
Vs
Robert Lee McGaster
General Sessions No. 55,190

Dear Mr. Christian:

This case is now set for September 28, 1967. Unless the settlement we agreed upon is honored by that time, I will proceed to judgment in the amount of Seven Hundred Fifty and No/100 (\$750.00) Dollars.

Sincerely yours,

Edward B. McDermott

Edward B. McDermott
For the Firm

EBM/rb

cc: Court of General Sessions

PLEA IN ABAIEMENT

COMPLAINT

WRIGHT DISCOUNT CORPORATION, X
a corporation, X

PLAINTIFF, X

VS: X

ROBERT LEE McGASTER, X

DEFENDANT. X

IN THE COURT OF GENERAL SESSIONS

OF MOBILE COUNTY, ALABAMA, COURT-

ROOM "B" FIRST FLOOR--CASE NO.55190

Comes now the Defendant, ROBERT LEE McGASTER, and appears specially for the purpose of filing the following plea in abatement to the complaint filed in this cause and to each and every count thereof separately and severally and for no other purpose. This Court is without jurisdiction of this cause of action in that the Defendant, ROBERT LEE McGASTER, is a resident citizen of Baldwin County, Alabama and resides at 31 Cedar Street, Foley, Alabama, as is shown on the Complaint and Summons filed in this cause, and has never lived in Mobile County, Alabama.

Robert Lee McGaster
Robert Lee McGaster

ATTORNEY FOR DEFENDANT

Forest A. Christian
Forest A. Christian, Foley, Alabama

STATE OF ALABAMA,)

BALDWIN COUNTY.)

Before me, the undersigned authority, personally appeared ROBERT LEE McGASTER, who is known to me and who after being by me first duly sworn, deposes and says: That he has read the foregoing instrument and that the facts contained therein are true and correct.

Robert Lee McGaster
Robert Lee McGaster

Sworn to and subscribed before me

on this the 9th day of May, 1967.

Forest A. Christian
Notary Public, Baldwin County,
Alabama

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 the _____ day of _____, 1967.

Forest A. Christian

Attorney for

WRIGHT DISCOUNT CORPORATION, §
a corporation

Plaintiff, §

VS: §

ROBERT LEE MCGASTER, §

Defendant §

IN THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY, ALABAMA

NO. 55,190

DEMURRER

Comes now the Plaintiff, Wright Discount Corporation, a corporation, and demurs to the plea in abatement heretofore filed by the Defendant and to each ground thereof, separately and severally, and for grounds of said demurrer set forth the following, separately and severally:

1. Said plea does not state a defense to this cause of action.
2. Said plea is insufficient as a matter of law to abate this action.

McDERMOTT, SLEPIAN & FEIBELMAN
Attorneys for Plaintiff

By: Edward B. McDermott
EDWARD B. McDERMOTT

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 22nd
day of July, 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.

Edward B. McDermott

THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

	:	Case No. <u>55190</u>
	:	
	:	Filed: March 8, 1967
	:	
<u>Wright Discount Corporation, A Corp.</u>	:	Summons Issued: March 17, 1967
Plaintiff	:	
	:	Returnable: April 27, 1967
	:	
VS	:	Service Had: 4-4-67
	:	
<u>Robert Lee McGaster</u>	:	Cause of Action: Complaint & Summons
Defendant	:	
	:	Attorney for Plaintiff: McDermott, Slepian & Feibelman
	:	Attorney for Defendant: Forist Christian
Amount of Claim: <u>\$584.00</u>	:	

5-11-67

Deft's Plea In Abatement filed 5-10-67

5-25-67

June 8

7-20-67

8-3-67

Pltf. Demurrers to Plea in Abatement filed 7-28-67

8-31-67

9-14-67

9-28-67 Demurrers Withdrawn 9-14-67

Oct. 26

Nov. 9, 1967 for disp.

2-1-68 Plea Confessed - Transferred to Circuit Court of Baldwin County.

[Handwritten signature]

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.

[Handwritten signature]
Clerk of The Court of General Sessions
of Mobile County, Alabama

COST BILL

THE STATE OF ALABAMA } The Court of General Sessions
MOBILE COUNTY } of Mobile County

Wright Discount Corp. Plaintiff
Robert Lee Mc Easter Defendant

CASE NO. 55190

COURT FEES

Summons and proceedings thereon to judgment	\$1.00	<u>✓</u>
Docketing each cause	.10	<u>✓</u>
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	<u>✓</u>
Every necessary Certificate or Notice not otherwise provided for	.25	<u>✓</u>
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	<u>✓</u>
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	<u>✓</u>
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	<u>✓</u>
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 1/2% <u>7.50</u>	
Total	\$	
GRAND TOTAL	\$	<u>10.55</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

U.S.D. 11-1M-0-004

NOTICE of ~~XXXXXX~~

STATE OF ALABAMA, {
MOBILE COUNTY }

Wright Discount Corporation, A Corp.

Plaintiff

VS.

Robert Lee McGaster

31 Cedar St., Foley, Alabama

Defendant

To Robert Lee McGaster

in said Cause: Wright Discount Corp. VS Robert Lee McGaster

You are hereby notified that.....

Wright Discount 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

VII
Case No. 55190

Wright Discount Corporation, A Corp.

Plaintiff,

VS

Robert Lee McGaster
31 Cedar St., Foley, Alabama

Defendant.

TRANSFER
NOTICE OF ~~APPEAL~~

Returnable To The Circuit Court
OF BALDWIN COUNTY

Issued: February 1, 1968

Serve On:

Robert Lee McGaster