

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 Mrs. Earl M. Smith, also known asFaye Smith, Route 1 Box 177, Bay Minette, Alabamato be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 25 day of Jan, 1968 at the hour of 9:00 A.M., then and there to answer a complaint of Westinghouse Credit 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 13 day of Dec, 1967.J. D. Richardson
Clerk of the Court of General Sessions of Mobile County.Cause of Action Plaintiff claims of the defendant \$ 318.75, due under written contract of sale, wherein defendant waived all right to any exemption under the Constitution and Laws of the State of Alabama and in addition agreed to pay a reasonable attorney's fee, which plaintiff claims in the amount of \$ 106.25.James B. Sullivan
ATTORNEY FOR THE PLAINTIFF

COMPLAINT AND SUMMONS

Atty. for Plaintiff: James D. Sullivan
Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 63203

Ret.

Jan. 25, 1968

Westinghouse Credit Corporation,
a Corporation

VS.

Bald

Mrs. Earl M. Smith s/k/a
Eva Smith

Continued To

Box 177
RECEIVED

DEC 20 1967

TAYLOR WILKINS
SHERIFF

Sheriff's Return

Executed by Service on

Mrs. Earl M. Smith
Defendant

This 16 day Jan, 1968
Sheriff of Mobile County

By W. A. Salbert
Deputy Sheriff

White House Fork

REC'D SHERIFF
MOBILE COUNTY

DEC 15 3 5

BY

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

JAN 18 2 12 PM '68

BY

Sheriff claims 20
Ten Cents per mile Total 2.00
TAYLOR WILKINS
W. A. Salbert
DEPUTY SHERIFF

CHASON, STONE & CHASON

ATTORNEYS AT LAW

P. O. BOX 120

BAY MINETTE, ALABAMA 36507

JOHN CHASON
NORBORNE C. STONE, JR.
JOHN EARLE CHASON

TELEPHONE 937-2191

January 20, 1968

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

Dear Mr. Richardson: Re: Westinghouse Credit Corporation vs.
Mrs. Earl M. Smith

We enclose herewith the original of a Plea in Abatement which we have prepared and would appreciate your filing the same in the above cause and notifying us of the day on which this plea will be set for determination.

With best regards, we are

Yours very truly,

CHASON, STONE & CHASON

By: John E. Chason

JEC:jm
Encl: As Noted

1-22-68

James D. Sullivan
ATTORNEYS FOR PLTF:—

COST BILL

THE STATE OF ALABAMA }
MOBILE COUNTY }

The Court of General Sessions
of Mobile County

Westinghouse Credit Corp.
Plaintiff
Mrs. Carl M. Smith aka
Defendant
Faye Smith

CASE NO. *63203*

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	2 1/2%	<input checked="" type="checkbox"/>
<i>Mileage</i>	2.00	
Total	\$	

GRAND TOTAL \$ *8.35*

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

TRANSFER

NOTICE of ~~APPEAL~~

STATE OF ALABAMA, }
MOBILE COUNTY }

Westinghouse Credit Corporation

Plaintiff

VS.

Mrs. Earl M. Smith aka Faye Smith

Rt. 1, Box 177, Bay Minette, Alabama

Defendant

To Mrs. Earl M. Smith aka Faye Smith

in said Cause: Westinghouse Credit Corp. VS Mrs. Earl M. Smith aka Faye Smith

You are hereby notified that.

Westinghouse Credit Corp.

the Plaintiff in the above entitled cause has prayed and obtained a transfer to the circuit Court of Baldwin County, Alabama ~~as appears from the judgment thereon rendered by~~
~~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 ~~MOBILE~~ 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

Westinghouse Credit Corp.

Plaintiff,

VS

Mrs. Earl M. Smith aka Faye Smith
Rt. 1, Box 177, Bay Minette, Alabama

Defendant.

Transfer

NOTICE OF ~~XXXXXX~~

Returnable To The Circuit Court

of Baldwin County

Issued: February 1, 1968

Serve On:

Mrs. Earl M. Smith aka Faye Smith

COMPLAINT AND SUMMONS

7982
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 Mrs. Earl M. Smith, also known as

Faye Smith, Route 1 Box 177, Bay Minette, Alabama

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile
County, on the 25 day of Jan, 1968 at the hour of 9:00 A.M.,

then and there to answer a complaint of Westinghouse Credit 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 13 day of Dec, 1967

J. D. Richardson
Clerk of the Court of General Sessions of Mobile County.Cause of Action Plaintiff claims of the defendant \$ 318.75, due under written
contract of sale, wherein defendant waived all right to any exemption
under the Constitution and Laws of the State of Alabama and in addition
agreed to pay a reasonable attorney's fee, which plaintiff claims in
the amount of \$ 106.25.James D. Sullivan 12/7
ATTORNEY FOR THE PLAINTIFF

COMPLAINT AND SUMMONS

Atty. for Plaintiff: James D. Sullivan

Atty. for Defendant:

THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

No. 63203

Ret.

Jan. 25, 1968
Westinghouse Credit Corporation,
a corporation

VS.

Mrs. Earl M. Smith a/k/a
Faye Smith

Continued To

Executed by Service on

Defendant

This _____ day _____, 19____

Sheriff of Mobile County

By _____
Deputy Sheriff

WESTINGHOUSE CREDIT CORPORATION,	X	IN THE COURT OF
a corporation,	X	
	X	GENERAL SESSIONS
Plaintiff,	X	
	X	MOBILE COUNTY, ALABAMA
vs.	X	
MRS. EARL M. SMITH, also known as	X	NO. 63203
FAYE SMITH,	X	
	X	
Defendant.	X	

PLEA IN ABATEMENT

Comes now the Defendant in the above styled cause, appearing specially and only for the purpose of filing this plea in abatement and for no other object or purpose, and files this her plea in abatement to the Complaint heretofore filed by the Plaintiff and alleges the following in support thereof:

That the Defendant is a resident citizen of Baldwin County, Alabama, and that her permanent residence is Route 1, Bay Minette, Baldwin County, Alabama, and was her permanent residence both at the time of the alleged execution of the contract referred to in the Complaint and at the time of the filing of this suit and service of the same upon the Defendant, wherefore, the Defendant says that the Court of General Sessions of Mobile County, Alabama, is without jurisdiction in the premises.

Mrs Earl M Smith
 Mrs. Earl M. Smith, also known as
 Faye Smith

OF COUNSEL:
 CHASON, STONE & CHASON
 BAY MINETTE, ALABAMA

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Mrs. Earl M. Smith, also known as Faye Smith, who is known to me and who, after being first duly and legally sworn, did depose and say

under oath as follows:

That she has read the foregoing Plea in Abatement and that the allegations of the same are true and correct.

Mrs. Earl M. Smith
Mrs. Earl M. Smith, also known as Faye Smith

Sworn to and subscribed before
me this the 19th day of
January, 1968.

Julia H. Brock
Notary Public, Baldwin County, Alabama

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing
pleading has been served upon the
for all parties to this cause and
mailing the same to each by first class
United States Mail, properly addressed
and postage prepaid on this 20th day
of January, 1968.

John E. Chason

THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

<u>Westinghouse Credit Corporation</u> Plaintiff	Case No. <u>63203</u>
VS	Filed: December 7, 1967
<u>Mrs. Earl M. Smith aka Faye Smith</u> Defendant	Summons Issued: December 13, 1967
Amount of Claim: <u>\$425.00</u>	Returnable: January 25, 1968
	Service Had: 1-16-68
	Cause of Action: Contract
	Attorney for Plaintiff: James D. Sullivan
	Attorney for Defendant: John Chason Bay Minette, Alabama


Plea in Abatement filed 1-22-68

1-25-68 Plea in Abatement confessed - proceedings transferred to Circuit Court of Baldwin County.


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 1st day of February, 1968.


Clerk of The Court of General Sessions
of Mobile County, Alabama

WESTINGHOUSE CREDIT CORPORATION, X
a corporation, X

Plaintiff, X

vs.

MRS. EARL M. SMITH, also
known as Faye Smith,

Defendant. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 7982

DEMURRER:

Comes now the Defendant in the above styled cause, by and through her attorneys of record and demurs to the Complaint heretofore filed against her in said cause and shows unto the Court the following separate and several grounds in support thereof:

1. Said Complaint does not state a cause of action.
2. Said Complaint does not set out sufficient facts to properly appraise the Defendant of the nature of the claim against her.
3. Said Complaint is vague, indefinite and uncertain.
4. Said Complaint fails to set out the terms of the alleged written contract sued upon.
5. Said Complaint does not set out the alleged date of execution of the written contract of sale sued upon.
6. Said Complaint does not allege that the contract of sale sued upon was executed by the Defendant.

CHASON, STONE & CHASON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel By: 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 4th day of February, 1968.

John E. Chason

John Earle Chason
Attorneys for Defendant

FILED

FEB 9 1968

NOTICE of ~~APPEAL~~

STATE OF ALABAMA, }
MOBILE COUNTY }

Westinghouse Credit Corporation

Plaintiff

VS.

Mrs. Earl M. Smith aka Faye Smith

Rt. 1, Box 177, Bay Minette, Alabama

Defendant

Mrs. Earl M. Smith aka Faye Smith

To

in said Cause: Westinghouse Credit Corp. VS Mrs. Earl M. Smith aka Faye Smith

You are hereby notified that

Westinghouse Credit Corp.

the Plaintiff

in the above entitled cause has prayed and obtained

a transfer to the circuit Court of Baldwin County, Alabama

~~an appeal from the judgment therein rendered by~~

~~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. 63203

7982

Westinghouse Credit Corp.

Plaintiff,

VS

Mrs. Earl M. Smith aka Faye Smith
Rt. 1, Box 177, Bay Minette, Alabama

Defendant.

Transfer

NOTICE OF ~~RETURN~~

Returnable To The Circuit Court
of Baldwin County

Issued: February 1, 1968

Serve On:

Mrs. Earl M. Smith aka Faye Smith

over

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

FEB 2 8 47 AM '68

BY

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

FEB 12 9 35 AM '68

BY

6 day of Feb. 1968
8 day of Feb. 1968
Noting Trans.
Mrs. Earl M. Smith

TAYLOR WILKINS, Sheriff

By W. A. Talbot D. S.

White House Fork

Sheriff claims 20 miles at

Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

BY W. A. Talbot

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: Westinghouse Credit Corporation
VS
Mrs. Earl M. Smith aka Faye Smith
Case No. 63203

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 very truly,

J. D. Richardson
Clerk of The Court of General Session
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