

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

RICHARD SMYER

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

GREGORY JAMES YESTADT, A MINOR, SUIING BY AND THROUGH

HIS FATHER AND NEXT FRIEND, JAMES YESTADT

WITNESS: John E. Mandeville, Clerk of said Court, this 14 day of March, 19 68

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.

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

MAR 18 4 30 PM '68

BY _____

Received 26 day of March 1968
and on 21 day of March 1968
I served a copy of the within
on Richard Smyer
by service on Attest to wife

TAYLOR WILKINS, Sheriff
By Raymond D. S.

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, CLAIM \$1.50 EACH

FOR CARRYING _____ PROCESS(ES) AND

TRAVEL EXPENSE ON EACH OF \$ 7.00

PROCESS(ES) OR A TOTAL OF \$ 8.50

No. 25103 - C

JUDGE _____

DOCKET

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

GREGORY JAMES YESTADT, A MINOR
SUING BY AND THROUGH HIS FATHER
AND NEXT FRIEND, JAMES YESTADT

VS. }

Complaint and Summons

RICHARD SMYER

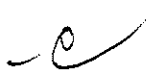
Issued 14 day of March, 19 68

Defendant's Address

366 S. Summitt Street,
Fairhope, Alabama

JOHNSTONE, ADAMS, MAY, HOWARD & HILL
BY: William H. Hardie, Jr.

Plaintiff's Attorney

GREGORY JAMES YESTADT,	:	IN THE CIRCUIT COURT OF
a minor, suing by and	:	
through his father and	:	
next friend, JAMES	:	MOBILE COUNTY,
YESTADT,	:	
Plaintiff	:	ALABAMA
v.	:	AT LAW
RICHARD SMYER,	:	
Defendant.	:	CASE NO. 25103 

PLEA IN ABATEMENT

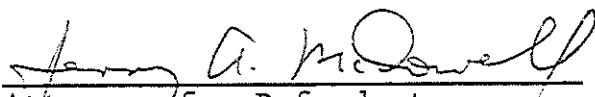
Comes now the defendant, appearing specially and solely for the purpose of pleading in abatement, and without submitting to the jurisdiction of this Court, to the plaintiff's complaint filed herein, and files this plea in abatement, and as separate and several grounds for the abatement of the plaintiff's complaint, assigns, separately and severally, the following:

1. For that it affirmatively appears from the face of the complaint that venue in Mobile County, Alabama, is improper.
2. For that it affirmatively appears from the face of the complaint that the accident made the basis of the suit happened in Baldwin County, Alabama, and that the defendant lives in Fairhope, Baldwin County, Alabama, and lived in Baldwin County, Alabama at the time of the accident and the filing of the suit.
3. For that it affirmatively appears that the proper venue in this case would lie in Baldwin County, Alabama.
4. For that the defendant is a resident of Baldwin

County, Alabama, and was at the time of the accident and at the time of the filing of this suit.

5. For that the accident made the basis of the suit happened in Baldwin County, Alabama.

PREMISES CONSIDERED, defendant prays the judgment of this Court that the summons and complaint be quashed and that the said cause be abated, or in the alternative, that this cause be transferred to the Circuit Court of Baldwin County, Bay Minette, Alabama.


Attorney for Defendant
First National Bank Building
Mobile, Alabama


Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

STATE OF ALABAMA:

COUNTY OF MOBILE:

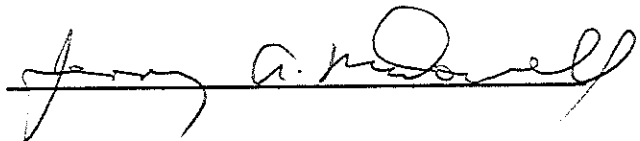
Personally appeared before me this 5th day of April, 1968, Jerry A. McDowell, who being duly sworn states that he is an attorney for the defendant of the above-styled cause, and as such has knowledge of the contents of the allegations of the foregoing plea in abatement and states that the allegations contained in the foregoing plea in abatement are true and correct to the best of his knowledge and belief.


Subscribed and sworn to before me
this 5th day of April, 1968.


Notary Public, Mobile County, Alabama

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing pleading to William H. Hardie, Jr., Esquire, Attorney for Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama on this, the 5th day of April, 1968.



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

APR 5 4 29 PM '68


CLERK

FREIDAY, MAY 17, 1968

GREGORY JAMES YESTADT, A MINOR,
SUING BY AND THROUGH HIS FATHER
AND NEXT FRIEND, JAMES YESTADT

CAFFEY -vs- 25103

RICHARD SMYER

)
) PLEA IN ABATEMENT SUSTAINED,
) AND CASE TRANSFERRED TO BALDWIN
) COUNTY, ALABAMA FOR FURTHER
) PROCEEDINGS
)

This day in open Court came the parties by their attorneys, and this cause coming on to be heard on the defendant's Plea in Abatement filed in this cause, and said Plea in Abatement being argued by counsel and understood by the Court; It is ordered and adjudged by the Court that the Defendant's said Plea in Abatement be, and the same is hereby sustained and case transferred to Baldwin County, Alabama, for further proceedings.

Minute Book 37

Page 203

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

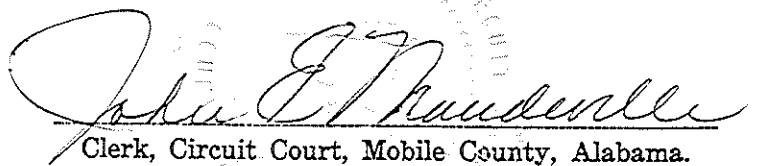
as rendered by the said Circuit Court on the 17th day of May, 19 68, in the cause
entitled No. 25103 - GREGORY JAMES YESTADT, A MINOR, SUING BY AND THROUGH
HIS FATHER AND NEXT FRIEND, JAMES YESTADT, Plaintiff,

— versus — RICHARD SMYER

Defendant, ~~(Together with the name of the defendant)~~ as the same remains of record in this office in
Minute Book No. 37, Page No. 203

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 21st day of May, 19 68.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

GREGORY JAMES YESTADT, a Minor, etc.

Plaintiff

No. 25103

VS.

RICHARD SMYER

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
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
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, 1/2 the percentage allowed Sheriffs	\$
	\$
Total	\$

20 00

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
Levyng Attachment & Return	6.25
Executing Writ Possession	5.00
Seizing personal property under Writ of Detinue	6.00
Serving subpoenas, each	.75
Impanelling Jury	.75
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	\$

8 50

8 50

RECAPITULATION

Clerk	20 00
Sheriff Taylor Wilkins Baldwin County	8 50
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	1 50
Trial Tax (County)	1 50
Trial Tax (State)	1 50
Advertisement	
Garnishee's fees	

\$33.00

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