

: IN THE CIRCUIT COURT OF  
MOBILE COUNTY, ALABAMA

•

AT LAW

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claims of the defendant the sum of ONE THOUSAND TWO HUNDRED NINETY-NINE AND 47/100 (\$1,299.47) DOLLARS, due from it for merchandise, goods and chattels sold by the Plaintiff to the defendant on, to-wit, the 14th day of July, 1966, which sum of money, with the interest thereon, is still unpaid.

  
HERBERT P. FEIBELMAN, JR.  
Attorney for Plaintiff

Defendant may be served at:

Route 1, Box 157, Daphne, Alabama, by serving either Marie W. Chavers or Sadie Harris.

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

APR 8 8 28 AM '68

**THE STATE OF ALABAMA**  
MOBILE COUNTY

**CIRCUIT COURT**

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

SPANISH FORT FURNITURE SALES, INC., a corporation

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 \_\_\_\_\_

T. DWIGHT REID, as Trustee in Bankruptcy for JOHN LEMMIE HARRIS, JR.,  
Bankrupt

WITNESS: John E. Mandeville, Clerk of said Court, this 8th day of April, 1968

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.

44-16-68

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

APR 8 4 37 PM '68

BY \_\_\_\_\_

Received 10 day of April 1968  
and on 13 day of April 1968  
served a copy of the within 8 + C

Spanish Fort Furniture Sales,  
Inc. a corp.

service on Sadie Harris  
(owner)  
TAYLOR WILKINS, Sheriff  
By Roy Randall D. S.

TAYLOR WILKINS, SHERIFF OF BALDWIN  
COUNTY, ALABAMA, CLAIM \$1.50 EACH  
FOR SERVING 1 PROCESS(ES) AND  
TRAVEL EXPENSE ON EACH OF \$ 4.40  
PROCESS(ES) OR A TOTAL OF \$ 5.90

mail No. 25307 -G  
JUDGE \_\_\_\_\_ DOCKET \_\_\_\_\_

CIVIL DIVISION

**CIRCUIT COURT**  
MOBILE COUNTY

T. Dwight Reid, as Trustee in  
Bankruptcy for John Lemmie  
Harris, Jr., Bankrupt

VS. }

Complaint and Summons

Spanish Fort Furniture Sales,  
Inc., a corporation

Issued 8th day of April, 19 68

Defendant's Address

Rt. 1, Box 157  
Daphne, Alabama

By serving either Marie W.  
Chavers or Sadie Harris

HERBERT P. FEIBELMAN, JR.

Plaintiff's Attorney

T. DWIGHT REID, as Trustee  
in Bankruptcy for JOHN LEMMIE  
HARRIS, JR., Bankrupt,

Plaintiff,

vs.

SPANISH FORT FURNITURE SALES, INC.,  
a corporation

Defendant.

§ IN THE CIRCUIT COURT OF  
§ MOBILE COUNTY, ALABAMA  
§

§

§

§ Case No. 25,307-*Y*

PLEA IN ABATEMENT

Comes now Spanish Fort Furniture Sales, Inc., a Corporation, and appearing specially for the purpose of filing this plea in abatement, and for that purpose alone, moves the Court to quash the service of the summons and complaint herein, and for grounds therefor assigns the following, jointly and severally:

(1) For that said Spanish Fort Furniture Sales, Inc. is an Alabama Corporation, incorporated in and doing business only in Baldwin County, Alabama;

(2) For that the said Spanish Fort Furniture Sales, Inc., a corporation, was incorporated in Baldwin County, Alabama, has its principal place of business at Spanish Fort, Alabama, and was not, at the time the alleged cause of action arose, doing business in Mobile County, Alabama, is not presently doing business in Mobile County, Alabama, and has not at any time done business in Mobile County, Alabama.

(3) For that the Circuit Court of Mobile County, Alabama, has no jurisdiction of this cause of action.

WHEREFORE, Defendant says that this suit should be abated, and should not be allowed to proceed.

*Spanish Fort Furniture Sales, Inc.*  
SPANISH FORT FURNITURE SALES, INC.

BY: *Latia Eugene Davis*  
Its President

STATE OF ALABAMA

MOBILE COUNTY

Before me, Wesley S. Robertson, a Notary Public in and for said County in said State, personally appeared Leda Evelyn Harris, whose name as President of Spanish Fort Furniture Sales, Inc. is signed to the foregoing Plea in Abatement, who being duly sworn, deposes and says that the facts set forth in the above and foregoing Plea in Abatement are true and correct to the best of her knowledge, information and belief.

This the 7<sup>th</sup> day of May, 1968.

Leda Evelyn Harris  
President, Spanish Fort Furniture Sales, Inc.

Sworn to and subscribed before me on this the 7<sup>th</sup> day of May, 1968.

I hereby certify that I have served a copy of the foregoing Plea in Abatement on the Honorable Herbert P. Feibelman, Jr. by mailing a copy of same to him at his office in the First National Bank, Mobile, Alabama.

Hubert P. Robertson  
Hubert P. Robertson, Attorney for Defendant

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

MAY 7 4 22 PM '68

VOL 65 PAGE 85

Robert P. Robertson  
CLERK

T. DWIGHT REID, as Trustee  
in Bankruptcy for JOHN LEMMIE  
HARRIS, JR., Bankrupt.  
Plaintiff,  
vs.  
SPANISH FORT FURNITURE SALES, INC.,  
a corporation.  
Defendant.

§ IN THE CIRCUIT COURT OF  
§ MOBILE COUNTY, ALABAMA  
§  
§  
§ Case No. 25,307

A M E N D M E N T

Comes now Spanish Fort Furniture Sales, Inc., a Corporation, appearing specially for the purpose of amending the Plea in abatement heretofore filed, and for that purpose alone, and hereby amends the said Plea in abatement by adding thereto and inserting therein the following:

(4) For that the Circuit Court of Mobile County, Alabama, has no jurisdiction of this cause of action, but the said action should be brought, if at all, in the Circuit Court of Baldwin County, Alabama.

Spanish Fort Furniture Sales, Inc.  
SPANISH FORT FURNITURE SALES, INC.

BY: Sadie E. Harris  
Its President

STATE OF ALABAMA )  
COUNTY OF MOBILE )

Before me, Hubert P. Robertson, a Notary Public in and for said County in said State, personally appeared Sadie E. Harris, whose name as President of Spanish Fort Furniture Sales, Inc. is signed to the foregoing Amendment to the Plea in Abatement, who being duly sworn, deposes and says that the facts set forth in the above and foregoing amendment to the Plea in Abatement are true and correct to the best of her knowledge, information and belief.

This 7th day of June, 1968.

Sadie E. Harris  
Spanish Fort Furniture Sales, Inc.  
President, Spanish Fort Furniture Sales, Inc.

Sworn to and subscribed before me on this the 7th day of June, 1968.

Hubert P. Robertson  
Notary Public.

Filed June 7, 1968  
John E. Mandeville, Clerk

# 2530.7

Off. Exp.  
6-7-68

CERTIFICATE OF INCORPORATION

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, all of whom are bona fide residents of the State of Alabama, have this day voluntarily associated ourselves for the purpose of forming a corporation under the laws of the State of Alabama, and to that end do hereby adopt the following Certificate of Incorporation.

NAME:

ARTICLE I - The name of the corporation shall be: SPANISH FORT FURNITURE SALES, INC.

OBJECTS:

ARTICLE II - The objects for which the corporation is formed are as follows:

(a) To engage in the business of purchasing, selling, and distributing, in retail, furniture, appliances, fixtures and supplies, including equipment for the cooling, heating and circulating of air.

(b) To carry on and conduct a general furniture retail and wholesale business in the State of Alabama, and elsewhere, for the wholesale and retail sale, service, and supplying of all types and kinds of furniture, fixtures, equipments, radio and television receivers, aerials, tubes, supplies, and all operating materials incidental to the reception of television broadcast.

(c) To own, buy, sell, lease or rent from other persons, hold occupy and exchange real estate, personal property, choses in action, and all kinds of property, real, personal, and mixed, necessary or convenient for the conduct and maintenance of the business of the said corporation.

(d) To subscribe or cause to be subscribed for and to purchase or otherwise acquire, hold for investment, sell, assign, transfer, mortgage, pledge, exchange, distribute, or otherwise dispose of the whole or any part of the shares of the capital stock.

Bonds, deeds of trust, mortgages, debentures, securities, obligations, notes and other evidences of indebtedness of any corporation, stock company or association, now or hereafter existing, and while owners of any said shares of capital stock or bonds or other property, to exercise all of the rights, powers and privileges of ownership of every kind and description, including the right to vote thereon, with the power to designate some person for that purpose from time to time to the same extent as natural persons might or could do.

(e) To purchase, hold, sell, and re-issue the shares of its own capital stock; and to have the option to purchase from the stockholders, their heirs and assigns, to the exclusion of other persons, should the stockholders desire to dispose of their stock.

(f) To buy, lease or otherwise acquire, so far as may be permitted by law, the whole or any part of the business, good will and assets of any firm, person, association or corporation engaged in a business of the same general character as that, for which this corporation is organized.

(g) To make and use a Corporate Seal and to alter the same at pleasure.

(h) To borrow money, issue notes, bonds, or other negotiable papers, or mortgage, pledge, or otherwise transfer or convey any real and personal property. To secure the payments of money borrowed or any debt contracted.

(i) To carry on any business whatsoever which the corporation may deem proper or convenient in connection with any of the foregoing purposes or otherwise, or which may be calculated, directly, to promote the interests of the corporation or to enhance the value of its property, and generally, to do and perform all things and all acts which are not prohibited by the Laws of Alabama, and such powers as may hereafter be conferred on the corporation.

PRINCIPAL OFFICE:

ARTICLE III - The location of the Principal Office of the business shall be Spanish Fort, Alabama.

BOOK 15 PAGE 150

CAPITAL STOCK

ARTICLE IV - The total amount of authorized capital stock of said corporation shall be TWO THOUSAND (\$2,000.00) DOLLARS; which shall be divided in Two Hundred (200) Shares of the par value of TEN (\$10.00) DOLLARS per share.

All of said capital stock shall be paid in upon the organization of said corporation.

AGENT TO RECEIVE SUBSCRIPTIONS:

ARTICLE V - The name and post office address of the officer or agent authorized and designated to receive subscriptions to the capital stock of said corporation is: S. EVELYN HARRIS, whose mailing address is Spanish Fort, Alabama.

INCORPORATORS AND OFFICERS:

ARTICLE VI - The names and post office addresses of the incorporators and the number of shares held by each are as follows:

S. EVELYN HARRIS, whose mailing address is Spanish Fort, Alabama, 198 shares.

MYRTLE M. WILLIAMS, whose mailing address is Bay Minette, Alabama, 1 share.

MARIE CHAVERS, whose mailing address is Spanish Fort, Alabama, 1 share.

The names of the officers and directors for the first year are as follows:

S. EVELYN HARRIS - President and Director.

MYRTLE M. WILLIAMS - Vice-President and Director.

MARIE CHAVERS - Secretary-Treasurer and Director.

DURATION:

ARTICLE VII - The duration of the Corporation shall be perpetual.

MEETINGS AND MISCELLANEOUS:

ARTICLE VIII - The business and affairs of said corporation shall be under the management and control of the Board of Directors, consisting of not less than three nor more than five persons who shall be bona fide stockholders.

In the event of the death or resignation of a director, the remaining directors shall elect a successor for the unexpired term.

The Board of Directors shall have the power to make By-laws for the regulation and government of the corporation, its agents, servants and officers and for all other purposes not inconsistent with the objects with the corporation, and with the constitution and laws of the State of Alabama.

All officers and directors shall hold office for the period of one year or until their successors are elected and qualified.

IN WITNESS WHEREOF, the undersigned Incorporators have hereunto subscribed their names to this Certificate of Incorporation on this the 26<sup>th</sup> day of May, 1966.

STATE OF ALABAMA,  
BALDWIN COUNTY

I certify that this instrument was filed on

MAY 27 1966 9:14 AM

and that no tax was collected. Recorded in Corp.

Book 15  
Page 199-32  
By Harry Deline Judge of Probate

S. Evelyn Harris  
S. EVELYN HARRIS

Myrtle M. Williams  
MYRTLE M. WILLIAMS

Marie Chavers  
MARIE CHAVERS

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, the undersigned Notary Public, in and for said county in said state, S. EVELYN HARRIS, MYRTLE M. WILLIAMS and MARIE CHAVERS, whose names are signed to the foregoing Certificate of Incorporation, and who are known to me, acknowledged before me on this day that, being informed of the contents of the said Certificate, they executed the same voluntarily on the day the same bears date.

Witness my hand and seal this the 26<sup>th</sup> day of May, 1966.

John V. Dink  
NOTARY PUBLIC

BOOK 15 PAGE 152

CERTIFICATE OF OFFICER DESIGNATED TO  
RECEIVE SUBSCRIPTIONS

STATE OF ALABAMA

BALDWIN COUNTY

I, S. EVELYN HARRIS, the person designated by the incorporators of SPANISH FORT FURNITURE SALES, INC. to receive subscriptions to the capital stock of said company, do hereby certify that I have received subscriptions as follows:

S. EVELYN HARRIS - 198 shares.

MYRTLE M. WILLIAMS - 1 share.

MARIE CHAVERS - 1 share.

I further certify that I have received in cash the sum of TWO THOUSAND (\$2,000.00) DOLLARS for full payment of the stock subscribed in the above amount.

Given under my hand this the 26<sup>th</sup> day of May, 1966.

S. Evelyn Harris  
S. EVELYN HARRIS

STATE OF ALABAMA

BALDWIN COUNTY

I, the undersigned Notary Public, in and for said county in said state, hereby certify that on the 26<sup>th</sup> day of May, 1966, came before me the within named S. EVELYN HARRIS, who being by me first legally and duly sworn, deposes and says: That the statements contained in the foregoing certificate are true and correct.

S. Evelyn Harris  
S. EVELYN HARRIS

Sworn to and subscribed before me on this the 26<sup>th</sup> day of May, 1966.

John O. Dick  
NOTARY PUBLIC

BOOK 15 PAGE 153

STATE OF ALABAMA

Baldwin County

PROBATE COURT

I, HARRY D'OLIVE, Judge of Probate Court in and for said State and County, hereby  
certify that the within and foregoing five pages  
contain a full, true and complete copy of the Certificate of Incorporation of  
Spanish Fort Furniture Sales, Inc., recorded in Corp. Book 15, pages  
149-153

as the same appears of record in my office.

Given under my hand and seal of office, this 4th day of June, 1968.

Harry D'Olive  
Judge of Probate

FRIDAY, JUNE 7, 1968

T. DWIGHT REID, as Trustee	)	DEFENDANT'S PLEA IN AB ATEMENT
in Bankruptcy for JOHN LEMMIE	)	AND MOTION FILED MAY 7, 1968
HARRIS, JR., Bankrupt	)	FOR COURT TO QUASH THE SERVICE -
	)	PLEA IN ABATEMENT SUSTAINED AND
MAYHALL -vs- 25307	)	CASE ORDERED TRANSFERRED TO
	)	CIRCUIT COURT OF BALDWIN COUNTY,
SPANISH FORT FURNITURE SALES,	)	ALABAMA
INC., etc.	)	

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement and motion filed May 7, 1968 for Court to quash the service in this cause, coming on to be heard, and 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 and motion filed May 7, 1968 for Court to quash the service in this cause, be, and the same is hereby sustained, and case ordered transferred to Circuit Court of Baldwin County, Alabama.

Minute Book 37

Page 327

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 7th day of June, 1968, in the cause  
entitled No. 25307 - T. DWIGHT REID, as Trustee in Bankruptcy for  
JOHN LEMMIE HARRIS, JR., Bankrupt, Plaintiff,  
— versus — SPANISH FORT FURNITURE SALES, INC., a Corporation

Defendant, (~~together with the cancellation thereof~~), as the same remains of record in this office in  
Minute Book No. 37, Page No. 327.

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 12th day of June, 19 68.

ATTEST:

  
Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 25307 T. DWIGHT REID, as Trustee in Bankruptcy of John Lemmie Plaintiff  
Harris, Jr., Bankrupt vs  
SPANISH FORT FURNITURE SALES, INC., a corporation 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.	SHERIFF'S FEES	Pltff.	Deft.
Suits for \$100 or less .....\$ 6.00			Mileage \$4.40	5 90	
Suits for over \$100 but less than \$1,000 ..... 10.00			Serving Summons & Complaint .....\$ 1.50		
Suits for \$1,000 and over ..... 20.00	20 00		Serving Writ of Garnishment ..... 1.50		
Suits in detinue, ejectment, etc. .... 10.00			Serving Sci Fa.-Notices ..... 1.50		
Suits not otherwise provided ..... 10.00			Levying Attachment & Return ..... 6.25		
Writs, Mandamus, Prohibition, etc. .... 15.00			Executing Writ Possession ..... 5.00		
Appeals from Court General			Seizing personal property under Writ of Detinue ..... 6.00		
Sessions ..... 15.00			Serving subpoenas, each ..... .75		
Appeals from Probate Court ..... 20.00			Impanelling Jury ..... .75		
Appeals from JP Courts ..... 6.00			Taking & Approving Bond ..... 2.00		
Appeals from State Dept of Pub. Safety, and other State			Collecting Costs Execution ..... 1.50		
Agencies ..... 10.00			Serving Contempt Writ ..... 1.50		
Workmen's Compensation Settle. .... 10.00			Making Deed for Property sold ..... 2.50		
Garnishment on Judgment ..... 6.00			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$		
Order of Sale, Motions to sell. .... 6.00					
Recording executions from State			Total .....\$	5 90	
Agencies ..... 3.00					
Cert. Copy of Record - per			RECAPITULATION		
100 words ..... .15	80		Clerk ..... 20 80		
Taking Appeal Bond ..... .75			Sheriff <u>Taylor Wilkins,</u> <u>Baldwin County, Ala.</u> 5 90		
Record for Supreme Court etc., per 100 words ..... .15			Inferior Civil Court .....		
Add'l Copies of Record for Supreme Court, per 100 words ..... .05			Justice Peace fees .....		
Checking - including Reporters			Witness fees .....		
Transcript of Evidence ..... 10.00			Commissioner's fees .....		
Certifying Abstract in lieu of			Certificate of Judgment .....		
Transcript on Appeal ..... 5.00			Judgment .....		
Collecting Money on Judgments			10% Damages .....		
over 30 days old, ½ the per- centage allowed Sheriffs ..... \$			Interest .....		
			Stenographer's fees (\$10.00 Day) .....		
			Library fee ..... 1.50	1 50	
			Trial Tax (County) ..... 1.50	1 50	
			Trial Tax (State) ..... 1.50	1 50	
			Advertisement .....		
			Garnishee's fees .....		
Total .....\$	20 80			\$31.20	

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

T. DWIGHT REID, as Trustee  
in Bankruptcy for JOHN LEMMIE  
HARRIS, JR., Bankrupt,

Plaintiff,

vs.

SPANISH FORT FURNITURE SALES, INC.,  
a corporation

Defendant.

§ IN THE CIRCUIT COURT OF  
§ MOBILE COUNTY, ALABAMA  
§  
§  
§  
§ Case No. 25,307

PLEA IN ABATEMENT

Comes now Spanish Fort Furniture Sales, Inc., a Corporation, and appearing specially for the purpose of filing this plea in abatement, and for that purpose alone, moves the Court to quash the service of the summons and complaint herein, and for grounds therefor assigns the following, jointly and severally:

(1) For that said Spanish Fort Furniture Sales, Inc. is an Alabama Corporation, incorporated in and doing business only in Baldwin County, Alabama;

(2) For that the said Spanish Fort Furniture Sales, Inc., a corporation, was incorporated in Baldwin County, Alabama, has its principal place of business at Spanish Fort, Alabama, and was not, at the time the alleged cause of action arose, doing business in Mobile County, Alabama, is not presently doing business in Mobile County, Alabama, and has not at any time done business in Mobile County, Alabama.

(3) For that the Circuit Court of Mobile County, Alabama, has no jurisdiction of this cause of action.

WHEREFORE, Defendant says that this suit should be abated, and should not be allowed to proceed.

Spanish Fort Furniture Sales, Inc.  
SPANISH FORT FURNITURE SALES, INC.  
BY: Ledie Evelyn Harris  
Its President

STATE OF ALABAMA

MOBILE COUNTY

Before me, Aldean S. Robertson, a Notary Public  
in and for said County in said State, personally appeared  
Sadie Evelyn Harris, whose name as President of  
Spanish Fort Furniture Sales, Inc. is signed to the foregoing  
Plea in Abatement, who being duly sworn, deposes and says that  
the facts set forth in the above and foregoing Plea in Abatement  
are true and correct to the best of her knowledge, information  
and belief.

This the 7<sup>th</sup> day of May, 1968.

Sadie Evelyn Harris  
President, Spanish Fort Furniture Sales, Inc.

Sworn to and subscribed before me on this the 7<sup>th</sup>  
day of May, 1968.

I hereby certify that I have served a copy of the foregoing

Plea in Abatement on the Honorable Herbert P. Feibelman, Jr.  
NOTARY PUBLIC, State of Ala. at Large

by mailing a copy of same to him at his office in the First

National Bank, Mobile, Alabama.

Hubert P. Robertson  
Hubert P. Robertson, Attorney for  
Defendant