

TRANSFER

NOTICE of ~~APPEAL~~

STATE OF ALABAMA, }
MOBILE COUNTY }

Household Finance Corporation of Mobile

Plaintiff

VS.

James Puckett

Rt. 1, Box 168, Fairhope, Ala.

Defendant

To James Puckett

in said Cause: Household Fin. Corp. of Mobile vs James Puckett

You are hereby notified that.....

Household Finance Corporation of Mobile

the plaintiff in the above entitled cause has prayed and obtained a transfer to the Circuit Court of Baldwin County, Alabama, from ~~the Circuit Court of Mobile County, Alabama, from~~

~~Under~~ of 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 ~~MOBILE~~ ^{BALDWIN} County, to be held for said County, you are hereby notified accordingly.

Given under my hand this the 5 day of August 19 68

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

8258

Case No. 58878

Household Finance Corporation of Mobile

Plaintiff,

VS.

*Paul
20*

James Puckett
Rt. 1, Box 168, Fairhope, Alabama

Defendant.

NOTICE OF ~~APPROX~~ TRANSFER

Returnable To The Circuit Court
OF BALDWIN COUNTY, ALABAMA

Issued: August 5, 1968

Serve On:
James Puckett

RECEIVED DEPT. OF JUSTICE
AUG 6 5 01 AM '68
BY

received 20 day of Aug 1968
d on 7 day of Sept 1968
served copy of the within Notice
James Puckett
by service on above
L. H. H. H.
TAYLOR WILKINS, Sheriff
By Roy Randall D. S.

~~70~~ 70
708
TAYLOR WILKINS, Sheriff
Randall

Law Offices of
PERLOFF, REID & BRISKMAN
257 ST. ANTHONY STREET
MOBILE, ALABAMA 36603

MAYER W. PERLOFF
T. DWIGHT REID
DONALD M. BRISKMAN

January 21, 1971

AREA CODE 205
TELEPHONE 433-5412

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

Re: Household Finance vs. PUCKETT, James #8258

Dear Mrs. Duck:

Please find attached plaintiff's demurrers to defendant's answer with regard to the above captioned matter.

I would appreciate you filing this in your court. A copy of same has been sent to Mr. John Duck.

Very truly yours,


DONALD M. BRISKMAN^e

/rms

Enc/

HOUSEHOLD FINANCE CORPORATION- (IN THE CIRCUIT COURT OF
 ATION OF MOBILE, a corporation, (BALDWIN COUNTY, ALABAMA,
 Plaintiff, (AT LAW
 vs. (
 JAMES PUCKETT, (
 Defendant. (CASE NO. 8258

Comes now the plaintiff in the above captioned cause and demurs
 to defendant's answer and to each plea thereof, separately and severally,
 on the following grounds, separately and severally:

1. Said plea does not state a defense to plaintiff's cause of action.
2. Said plea does not state a cause of action against the plaintiff.
3. The allegations contained in said plea are but mere conclusions of the pleader.
4. Said plea sounds in damages merely.
5. For it does not affirmatively appear whether plaintiff agreed in writing or orally to insure the said automobile.
6. For that the plaintiff herein is not properly apprised as to what he is called upon to defend.
7. For that the alleged agreement between the defendant and plaintiff, plaintiff agreed to insure part of the automobile is not set out in hoc verba.
8. For aught that appears the destruction of the automobile was the fault of the defendant.
9. For aught that appears it was the defendant's responsibility to insure same.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 20th day of JAN 1977, served a copy of the foregoing pleading on each of the parties to this proceeding by mailing the same to the United States mail, properly addressed, at the last known address of each party.

[Signature]

PERLOFF, REID & BRISKMAN

BY:

[Signature]
 Attorney for Plaintiff

Copy to: John V. Duck, Defendant's atty

PERLOFF, REID & BRISKMAN
 ATTORNEYS AT LAW
 257 ST. ANTHONY STREET
 MOBILE, ALABAMA 36603

JAN 22 1977

Ernie B. Blackmon

FILED

HOUSEHOLD FINANCE CORPOR- (IN THE CIRCUIT COURT OF
ATION of Mobile, a corporation, (BALDWIN COUNTY, ALABAMA,
Plaintiff, (AT LAW
vs. (
JAMES PUCKETT, (
Defendant. (CASE NO, _____

Comes now the Plaintiff in the above styled cause and amends its complaint as heretofore filed to read as follows:

The Plaintiff claims of the defendant the sum of \$863.04, for that heretofore and on to-wit the 1st day of May, 1964, the defendant executed a promissory note where he agreed to pay the plaintiff the sum of \$792, in 24 monthly installments of \$33, each, beginning on the 1st day of June, 1964. The plaintiff avers that defendant defaulted in payment thereunder on to-wit: 1st day of December, 1964, and pursuant to the terms of said note, a copy of which is attached hereto and made a part hereof, has herein declared the entire balance due and owing. Plaintiff avers that pursuant to the terms of said note the defendant agreed to pay a reasonable attorneys fee in the event of employment of an attorney which plaintiff claims in the amount of \$215.76.

WHEREFORE, plaintiff claims of the defendant the sum of \$592.50, principal balance due, plus interest of \$54.78, plus an attorney's fee in the amount of \$215.76, as aforesaid, for a total of \$863.04.

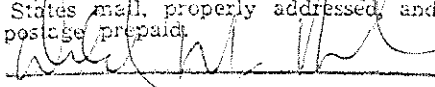
PERLOFF & REID

BY: 

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 30
day of Sept, 1969, 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.



Service: Attorney John V. Duck
319 Magnolia Ave., Fairhope, Ala.

FILED

OCT 2 1969

ALICE J. DUCK CLERK
REGISTER

PERLOFF & REID

ATTORNEYS AT LAW

205 VAN ANTWERP BLDG.

MOBILE, ALABAMA 36602

HOUSEHOLD FINANCE CORPORATION)
OF MOBILE, a Corporation,)

Plaintiff,)

vs.)

JAMES PUCKETT,)

Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

DEMURRER

Now comes the Defendant, JAMES PUCKETT, in the above styled cause, and demurs to the Bill of Complaint and as separate and several grounds of such demurrer, sets down and assigns the following as to each count, separately and severally:

1. Said suit is vague, indefinite and uncertain.
2. Said suit fails to acquaint your Defendant with what he is called upon to defend.
3. For that said suit fails to show whether or not the Plaintiff is the payee of the note or is the assignee or transferee of the payee of the note, and is therefore vague, indefinite and uncertain.
4. The allegation "the defendant failed to pay said note according to its terms" is a conclusion of the pleader and is vague, indefinite and uncertain.
5. For that said complainant fails to aver whether or not said note was due and payable in installments and what installment is in default or whether it was due and payable on demand and said demand date has expired.
6. For that the Defendant cannot determine whether the claim is on a demand note or an installment note and if on an installment note, that there is an acceleration clause in the note.
7. For that said count fails to aver on what day said note was payable

FILED

OCT 4 1968

ALICE J. DUCK CLERK
REGISTER

Defendant respectfully demands a trial by Jury.

[Signature]
ATTORNEY FOR DEFENDANT

[Signature]
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that I have this day served 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... 2nd

[Signature]
Attorney for Defendant

HOUSEHOLD FINANCE CORPORATION,)
of Mobile, a corporation,)

Plaintiff,)

vs.)

JAMES PUCKETT,)

Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

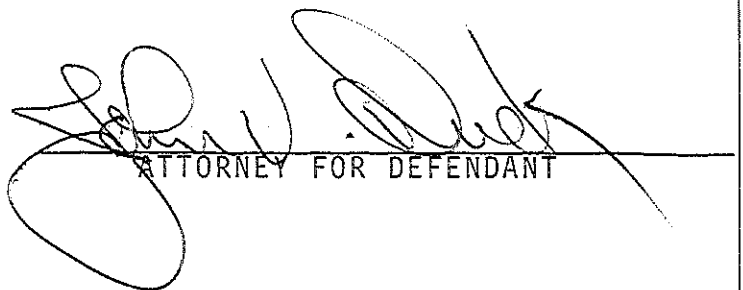
AT LAW

CASE NO. _____

DEMURRER

Comes now the Defendant in the above styled cause, and demurs to the Amended Bill of Complaint filed herein, and for grounds thereof assigns the following separately and severally:

1. That the said suit is vague, indefinite and uncertain.
2. That the said suit affirmatively shows on its face that the Plaintiff is claiming more than the original note.
3. For that said suit fails to show whether or not the Plaintiff is the payee or the note or is the assignee or transferee of the payee of the note, and is therefore vague, indefinite and uncertain.


ATTORNEY FOR DEFENDANT

FILED

OCT 9 1969

ALICE J. DUCK CLERK
REGISTER

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 7 day of October, 1969

Attorney for


Defendant

HOUSEHOLD FINANCE CORPORATION)
OF MOBILE, a corporation,)

Plaintiff,)

vs.)

JAMES PUCKETT,)

Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8258

Comes now the Defendant in the above styled cause, and for answer to the Bill of Complaint says:

1. "Not Guilty".

2. Comes now the Defendant and, without in any way confessing the Plaintiff's claim or demand, as a defense to the action of the Plaintiff says: That at the time said action was commenced, the Plaintiff was indebted to the Defendant in the sum of EIGHT HUNDRED (\$800.00) DOLLARS, for viz:

That on the first day of May, 1964, the Defendant gave to the Plaintiff as collateral on a loan, one 1959 Oldsmobile, and Plaintiff agreed as a part and parcel of the monthly payments, to insure the said automobile.

Defendant avers that the automobile was totally destroyed by fire on the 21st day of November, 1964, and Plaintiff has refused to pay the said policy, for all of which said damages the Plaintiff is indebted to the Defendant in the sum of EIGHT HUNDRED (\$800.00) DOLLARS, the reasonable market value of the car at the time of loss, which the Defendant hereby offers to set off against the demand of the Plaintiff, and claims judgment for the excess.


ATTORNEY FOR PLAINTIFF

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 6 day of January, 1971


Attorney for Defendant

FILED

JAN 11 1971

ALICE J. DUCK CLERK
REGISTER

HOUSEHOLD FINANCE CORPOR- (
ATION OF MOBILE, a corporation, (

Plaintiff,

vs.

JAMES PUCKETT,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

CASE NO. _____

MOTION TO STRIKE DEMAND FOR JURY TRIAL

Comes now the plaintiff in the above captioned cause and respectfully represents and shows unto Your Honor as follows:

1. That heretofore suit was filed in the above captioned matter by this plaintiff against this defendant and service duly perfected on the defendant. That at the time of the filing of said suit the plaintiff did not demand a trial by jury, that several months after service of process was originally perfected on the defendant herein the defendant, along with other pleadings, filed a demand for a jury trial.

WHEREFORE, your petitioner prays that the demand for jury trial in the above captioned matter be stricken in that it was not filed within thirty (30) days of the service of process on the defendant as required by Title 7, §260, Code of Alabama, Recompiled, 1958.

PERLOFF, REID & BRISKMAN

BY: May W. Perloff

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 18 day of June, 1970, 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.

Copy to: Mr. John Duck, Atty

FILED

JUN 22 1970

ALICE J. DUCK CLERK
REGISTER

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 JAMES PUCKETT

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 31 day of Aug., 1967 at the hour of 9:00 A.M., then and there to answer a complaint of HOUSEHOLD FINANCE CORPORATION OF MOBILE, 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 19 day of July, 1967.

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

Cause of Action 64728
Plaintiff claims of Defendant \$
due by promissory note contract made by
him on to-wit: 5-1-64
Defendant failed to pay said note contract
according to its terms. By said note con-
tract defendant waived all right of exemp-
tion and agreed to pay a reasonable attor-
ney's fee, which is claimed in the amount
of \$ 102.72

Perloff & Herli

JUN 29 1967

COMPLAINT AND SUMMONS

Atty. for Plaintiff: PERLOFF & REID

Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 58878

Ret.

Aug 31, 1967

Household Finance Corporation
of Mobile

VS.

James Puckett

Continued To

Route 1, Box 168, Fairhope, Ala.
& Trailer

HIS EMP: Gulf City Body/Works, Inc.
601 S. Conception St.

Executed by Service on

Defendant

This day, 19.....

Sheriff of Mobile County

By
Deputy Sheriff

PERLOFF & REID
ATTORNEYS AT LAW
SUITE 205 VAN ANTWERP BUILDING
MOBILE, ALABAMA, 36602
433-5412

MAYER W. PERLOFF
T. DWIGHT REID

September 20, 1967

Court of General Sessions
Mobile County Court House
Mobile, Alabama

Re: #58878 Household Finance Corp. v. James Puckett

(PLEASE REFER TO ITEMS CHECKED BELOW)

Gentlemen:

1. ☒ Please issue an alias (pluries) complaint and summons at the following address: his employment at Gulf City Body & Trailer Works, Inc., 601 S. Conception Street, Mobile, Ala.
2. ☐ Please issue a Writ of Discovery to the defendant, commanding him to file in Court a sworn list of his assets, if any.
3. ☐ Please discharge the garnishee in the above styled cause.
4. ☐ Please furnish me with Certificate of Judgement in the above case. My check in the amount of 50¢ is enclosed.
5. ☐ Please issue an alias execution against the defendant.
6. ☐ Please dismiss the above case on motion of the plaintiff.
7. ☐ Please enter a non-suit in the above case on motion of plaintiff.
8. ☐ Please send me your bill of costs.
9. ☐

REMARKS:

Very truly yours,
PERLOFF & REID

/rms

Oct 26

*647.28
102.72
750.00
9/2-*

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 JAMES PUCKETT

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 26 day of Oct., 19 67 at the hour of 9:00 A.M., then and there to answer a complaint of HOUSEHOLD FINANCE CORP.

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 10 day of Oct., 19 67.

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

Cause of Action _____

ALIAS
COMPLAINT AND SUMMONS

Atty. for Plaintiff: Perloff & Reid
~~HOUSEHOLD FINANCE~~

Atty. for Defendant:

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

No. 58878

Ret.

Oct. 26, 1967

HOUSEHOLD FINANCE CORP.

VS.

JAMES PUCKETT

his emp: Gulf City Body & Trailer Works, Inc.
601 S. Conception St., Mobile

Continued To

Executed by Service on

Defendant

This day , 19

Sheriff of Mobile County

By
Deputy Sheriff

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 JAMES PUCKETT

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 26 day of Oct., 19 67 at the hour of 9:00 A.M., then and there to answer a complaint of HOUSEHOLD FINANCE CORP.

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 10 day of Oct., 19 67.

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

Cause of Action _____

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 JAMES PUCKETT

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 31 day of Aug., 1967 at the hour of 9:00 A.M., then and there to answer a complaint of HOUSEHOLD FINANCE CORPORATION OF MOBILE,
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 19 day of July, 1967.

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

Cause of Action Plaintiff claims of Defendant \$ 647.28
due by promissory note contract made by
him on to wit: 5-1-64
Defendant failed to pay said note contract
according to its terms. By said note con-
tract defendant waived all right of exemp-
tion and agreed to pay a reasonable attor-
ney's fee, which is claimed in the amount
of \$ 102.20

Luigi A. Fend
Attorney for Plaintiff

Fairhope

COMPLAINT AND SUMMONS

Atty. for Plaintiff: *PERLOFF & REID*

Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 58878

Ret. Aug, 31, 1967

~~Household Finance Corporation~~
~~of Mobile~~

VS.

James Puckett

Continued To

Route 1, Box 168, Fairhope, Ala.

WIZ EMP: *Gu* **RECEIVED** *Trailer*
601 S. Concept 1000, Inc.

JUL 25 1967

TAYLOR WILKINS
SHERIFF

Sheriff's return

Executed by Service on

James Puckett
Defendant

This day, 19.....

Sheriff of Mobile County

By
Deputy Sheriff

Ret. Not Found 8-8-67
Jim Eastburn, D.S.
Fairhope, Ala.

MOBILE SHERIFF DEPT.
MOBILE COUNTY, ALA.

JUL 29 4 26 PM '67

BY

Returned 8 day of Aug 1967
Not found in my county after diligent search and in
quiry.

Taylor Wilkins, Sheriff

By *Jim Eastburn*
Deputy Sheriff

MOBILE SHERIFF DEPT.
MOBILE COUNTY, ALA.

JUL 25 5 15 PM '67

BY

ALIAS

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

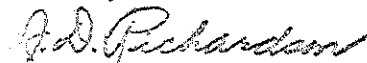
JAMES W. WATKINS

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 26 day of Oct., 19 67 at the hour of 9:00 A.M., then and there to answer a complaint of MOBILE FINANCE CORP.

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 10 day of Oct., 19 67.



Clerk of the Court of General Sessions of Mobile County.

Cause of Action

File
pg 10/13
**ALIAS
COMPLAINT AND SUMMONS**

Atty. for Plaintiff: **Perloff & Reid**
Atty. for Defendant: ~~XXXXXXXXXXXX~~

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

No. 53878

Ret.

Oct. 26, 1967

HOUSEHOLD FINANCE CORP.

VS. *24*
File

JAMES PUCKETT

his emp: Gulf City Body & Trailer Works, Inc.
601 S. Conception St., Mobile

Continued To

Sheriff's ret.
Executed by Service on

James Puckett
Defendant

This *24* day *Oct* 1967
Ray D. Bridges
Sheriff of Mobile County

By *L. Tillman*
Deputy Sheriff

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

OCT 11 2 01 PM '67

BY

HOUSEHOLD FINANCE
CORPORATION, OF MOBILE,
a corporation,

Plaintiff,

VS:

JAMES PUCKETT,

Defendant.

* IN THE COURT OF GENERAL
* SESSIONS
* OF MOBILE COUNTY, ALABAMA

*

* CASE NO. ~~58-887~~

*

*

58878

MOTION TO QUASH SERVICE AND DISMISS SUIT

Now comes the Defendant, James Puckett, by and through
his attorney of record, J. Terry Reynolds, Jr., and respectfully moves this
Honorable Court to quash the service in this cause and to dismiss this cause
of action, on the following separate and several grounds:

ONE

For this claim of \$750.00 plus interest causes this action to
exceed the jurisdiction of this court.

TWO

For that this court has no jurisdiction over this case.

THREE

For that this law suit should be brought in the circuit court
of Mobile County, Alabama.

FOUR

For that this court cannot entertain this proceeding.

FIVE

For that the plaintiff is attempting to invoke jurisdiction
of this court for a cause of action that should be brought in the circuit court.

2/20

SIX

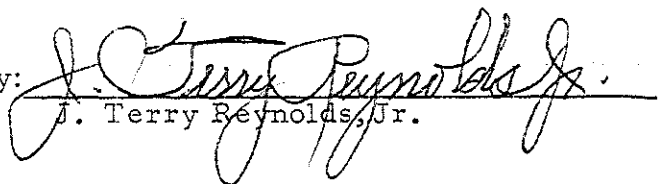
For that the plaintiffs claim exceeds the amount of money that this court is legally authorized to consider.

SEVEN

For that the plaintiff has not expressly waived its claim in excess of \$750.00 as required by law.

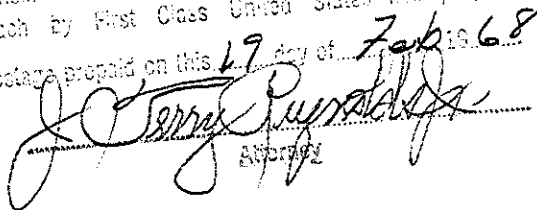
REYNOLDS & LAUTEN
Attorneys for the Defendant

By:


J. Terry Reynolds, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served upon counsel 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 19 day of Feb 1968


J. Terry Reynolds, Jr.

HOUSEHOLD FINANCE CORPORATION,
OF MOBILE, a corporation,

Plaintiff,

VS.

JAMES PUCKETT,

Defendant.

* IN THE COURT OF GENERAL
* SESSIONS OF MOBILE
* COUNTY, ALABAMA
*
* CASE NO. 58,878
*

Comes now the defendant in the above styled cause and
amends his motion to Quash Service and Dismiss Suit heretofore filed
by adding thereto the following additional grounds separately and severally:

E I G H T

For that the defendant is a bona fide resident citizen of the
County of Baldwin, State of Alabama and does not consent to the jurisdiction
of this court.

N I N E

For that the defendant objects to this court trying this case
on the ground that the defendant does not reside here, but on the contrary
resides in Baldwin County, Alabama

T E N

For that the court is without jurisdiction to try this case because
the defendant is not a resident of this county.

E L E V E N

The jurisdiction of this court is determined by the Lex Domicilii.

REYNOLDS & LAUTEN
Attorneys for the Defendant

BY:

J. Terry Reynolds, Jr.
J. TERRY REYNOLDS, JR.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been
served upon counsel 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 27 day of March 1968.

J. Terry Reynolds, Jr.
Attorney

HOUSEHOLD FINANCE
CORPORATION, OF MOBILE,
a corporation,

Plaintiff,

VS:

JAMES PUCKETT,

Defendant.

* IN THE COURT OF GENERAL
* SESSIONS
* OF MOBILE COUNTY, ALABAMA

*

* CASE NO. 58,887

*

*

MOTION TO QUASH SERVICE AND DISMISS SUIT

Now comes the Defendant, James Puckett, by and through his attorney of record, J. Terry Reynolds, Jr., and respectfully moves this Honorable Court to quash the service in this cause and to dismiss this cause of action, on the following separate and several grounds:

ONE

For this claim of \$750.00 plus interest causes this action to exceed the jurisdiction of this court.

TWO

For that this court has no jurisdiction over this case.

THREE

For that this law suit should be brought in the circuit court of Mobile County, Alabama.

FOUR

For that this court cannot entertain this proceeding.

FIVE

For that the plaintiff is attempting to invoke jurisdiction of this court for a cause of action that should be brought in the circuit court.

SIX

For that the plaintiffs claim exceeds the amount of money that this court is legally authorized to consider.

SEVEN

For that the plaintiff has not expressly waived its claim in excess of \$750.00 as required by law.

REYNOLDS & LAUTEN
Attorneys for the Defendant

By:

J. Terry Reynolds, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served upon counsel 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 19 day of Feb. 1968.

J. Terry Reynolds, Jr.
Attorney

HOUSEHOLD FINANCE CORPORATION, * IN THE COURT OF GENERAL
OF MOBILE, a corporation,

Plaintiff,

* SESSIONS OF MOBILE

VS:

* COUNTY, ALABAMA

JAMES PUCKETT,

Defendant.

* CASE NO. 58,878

*

PLEA IN ABATEMENT

Now comes the defendant, James Puckett, and says that this court should not proceed with this cause, but should abate or dismiss this proceeding as against the defendant, James Puckett, and as grounds for such motion or plea, separately and severally, sets down and assigns the following:

ONE

For that this court has no jurisdiction over this case.

TWO

For that this court cannot entertain this proceeding.

THREE

For that the plaintiff is attempting to invoke jurisdiction of this court for a cause of action that should be brought in the circuit court, Baldwin County, Alabama.

FOUR

For that the defendant is a bona fide resident citizen of the County of Baldwin, State of Alabama and does not consent to the jurisdiction of this court.

FIVE

For that the defendant objects to this court trying this case on the ground that the defendant does not reside here, but on the contrary, resides in Baldwin County, Alabama.

SIX

For that the court is without jurisdiction to try this case because the defendant is not a resident of this county.

S E V E N

The jurisdiction of this court is determined by the
Lex Domicilli.

REYNOLDS & LAUTEN
Attorneys for the Defendant

By: J. Terry Reynolds, Jr.

J. Terry Reynolds, Jr.

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, in and for said State and County, personally appeared J. Terry Reynolds, Jr., who being by me known and duly sworn, deposes and says that he is the attorney for the defendant, James Puckett, that his signature appears on the foregoing plea in abatement, and that he is informed and believes, and upon such information and belief, alleges that the allegations contained in said plea in abatement are true and correct.

J. Terry Reynolds, Jr.
Affiant

Subscribed and sworn to before me this
the 30th day of May, 1968.

William R. Lauten
Notary Public, Mobile County, Alabama

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served upon counsel 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 30 day of May, 1968.

J. Terry Reynolds, Jr.
Attorney

Law Offices

J. Terry Reynolds, Jr.
And
William R. Lauten
Suite 1401 Waterman Bldg.
Mobile, Alabama
36602

THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

Household Finance Corp. of Mobile
Plaintiff

VS

James Puckett
Defendant

Amount of Claim: \$750.00

CASE NO. 58878

Filed: June 29, 1967

Summons Issued: July 19, 1967

Returnable: August 31, 1967

Service: NF

Cause of Action: Complaint & Summons

Attorney for Plaintiff: Perloff & Reid

Attorney for Defendant: J. T. Reynolds

10-26-67

Alias C & S Iss'd 10-10-67

Alias C & S Ret: 10-26-67

Service: 10-24-67

12-7-67 for Deft. to get Atty.

1-18-68 for trial.

February 15, 1968 - trial - (final setting)

2-15-68 J/D P/N \$750.00

This day came the plaintiff into open Court and this cause being regularly set for trial this day and the defendant being called, fell sick and was unable to appear. Having been duly summoned and it be, the Court at 9:00 A. M. O'clock, the Court upon being informed of the fact that the plaintiff have sued for the sum of \$750.00 and the costs of these proceedings, for all of which let execution issue.

Witness my hand this the 15 day of February 1968

Motion to Quash Service and Dismiss Suit filed 2-20-68.

Set 3-14-68 specially

3-28-68 for argument, f/d

Defendant's Amended Motion to Quash Service & Dismiss Suit filed 3-27-68

4-25-68 for settlement

5-23-68 for trial

June 20, 1968 fd

Deft's Plea in Abatement filed 5-31-68.

8-1-68 Plea In Abatement sustained. Judgment set aside and cause transferred to Circuit Court of Baldwin County, Alabama.

I hereby certify that the foregoing is a true and correct copy of the above styled cause according to the files and records of The Court of General Sessions of Mobile County, Alabama.

Witness my hand this the 5th day of August, 1968.

CLERK OF THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY, ALABAMA

COST BILL

Perloff & Reid
ATTORNEYS FOR PLTF:—

General Sessions (Civil Div.) Court of Mobile, Mobile County Court House, Mobile, Ala.

Household Finance Corp. of Mobile
Plaintiff

James Puckett
Defendant

CASE NO. *58878*

Garnishee

COURT FEES

Summons and proceedings thereon to judgment

\$1.00 ✓

Docketing each cause

.10 ✓

Law Library Fee

1.00 ✓

Garnishment

Transfer
also

1.25
1.00

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

Collecting execution for costs only

1.50

Serving any summons not herein provided for, and making return

(2)

1.50 ✓

TOTAL

\$

GRAND TOTAL

\$

7.35

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

NOTICE of ~~REMOVAL~~

STATE OF ALABAMA, }
MOBILE COUNTY }

Household Finance Corporation of Mobile

Plaintiff

VS.

James Puckett

Rt. 1, Box 168, Fairhope, Ala.

Defendant

To James Puckett

in said Cause: Household Fin. Corp. of Mobile vs James Puckett

You are hereby notified that

Household Finance Corporation of Mobile

the plaintiff in the above entitled cause has prayed and obtained a transfer to the Circuit Court of Baldwin County, Alabama, from ~~an appeal from the judgment rendered by~~

~~Judge of~~ 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 ~~MOBILE~~ ^{BALDWIN} CIRCUIT COURT of ~~MOBILE~~ County, to be held for said County, you are hereby notified accordingly.

Given under my hand this the 5 day of August 19 68

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

70. 8258

Case No. 58878

Household Finance Corporation of Mobile

Plaintiff,

VS

James Puckett
Rt. 1, Box 168, Fairhope, Alabama

Defendant.

NOTICE OF ~~APPEAL~~ TRANSFER

Returnable To The Circuit Court
OF BALDWIN COUNTY, ALABAMA

Issued: August 5, 1968

Serve On:

James Puckett

AUG 8 1968

ALICE J. DUCK
CLERK
REGISTER