

19-98-2

506

notice to the Defendant(\*), and apply the proceeds of said sale or private sale, with or without advertisement, with or without automobile sold under said contract and sell same at a public contract at the time of default could take possession of the holder of the contract and further that the holder of such tract shall be immediately due and payable at the option of the contract, the entire and full remaining amount due under the contract, in the event Defendant(\*) default in any payment due under said Plaintiff further avers that said contract further provides that the first payment commencing on, to-wit: June 1, 1963.

of, to-wit: FIFTY-FIVE AND 95/100 (\$55.95) DOLLARS per month----- AND 80/100 (\$1,342.80) DOLLARS----- in consecutive installments to pay the sum of, to-wit: ONE THOUSAND THREE HUNDRED FORTY-TWO Ford Fairlane 500, 4 door sedan, Serial No. B96V116002----- agreed, for the valuable consideration of, to-wit: One (1) 1959 default. Plaintiff avers that in said contract Defendant(\*) assigned to it in writing for valuable consideration before written agreement, together with all rights thereunder, was on, to-wit: May 7, 1963 . Plaintiff avers that said Defendant(\*) and BOLTON FORD OF MOBILE, INC.----- damages for the breach of a written agreement entered into between THIRTY-SIX AND 93/100 (\$436.93) DOLLARS----- Plaintiff claims of Defendant(\*) the sum of FOUR HUNDRED

COUNT ONE

GENERAL FINANCE CORPORATION	\$	IN THE COURT OF GENERAL SESSIONS
OF MOBILE,	\$	OF MOBILE COUNTY, ALABAMA
a corporation,	\$	
Plaintiff,	\$	CIVIL DIVISION
VS:	\$	
GRACE M. BROWN,	\$	
Defendant.	\$	CASE NO. <u>165296</u>

8405

to the remainder due under the said written contract, and in the event of a deficiency, the Defendant(x) agreed to pay the amount of the deficiency. Plaintiff avers that Defendant(s) became in default under the terms of said contract by having failed or refused to make the installment payment due on, to-wit: January 1, 1964 ; that the automobile herein mentioned was seized and sold and that the sum of, to-wit: THREE HUNDRED AND NO/100 (\$300.00) DOLLARS-----was received for the automobile, which sum the Plaintiff avers was the reasonable market value of the automobile at the time of the seizure and at the time of the sale, and that after applying the amount received from the sale of the said automobile to the balance due under the said written contract, and allowing all just credits, the balance of, to-wit: FOUR HUNDRED THIRTY-SIX AND 93/100 (\$436.93) DOLLARS----- first remains due and unpaid.

Plaintiff further avers that in and according to the terms of said contract, Defendant(s) did waive all right in and to their exemptions of personal property under the Constitution and laws of the State of Alabama, and in addition did agree to pay a reasonable attorney's fee in the event of default and employment of an attorney to collect the balance due under said contract.

WHEREFORE, Plaintiff claims of Defendant(s) the sum hereinabove set out, with interest thereon, together with a reasonable attorney's fee as provided in said contract.

McDERMOTT, SLEPIAN & FEIBELMAN  
Attorneys for Plaintiff

BY 

THOMAS E. BRYANT, JR.

Defendant may be served:

Post Office Box 185  
Perdido, Alabama

## 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 Grace M. Brownto be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 11 day of April, 1968 at the hour of 9:00 A.M., then and there to answer a complaint of General Finance Corporation of Mobile

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 5 day of March, 1968[Signature]  
Clerk of the Court of General Sessions of Mobile County.

Cause of Action

85032  
26/4  
COMPLAINT AND SUMMONS

Atty. for Plaintiff: *Modernco, Stepien & Reibelman*  
Atty. for Defendant:

THE COURT OF GENERAL SESSIONS  
OF MOBILE COUNTY

No. 65098

Ret. April 11, 1968

General Finance Corp. of Mobile

VS.

Grace H. Brown  
P. O. Box 185  
Perdido, Alabama

Continued To

*Sheriff's Return*

RECEIVED

MAR 13 1968

MOBILE COUNTY  
SHERIFF

Executed by Service on

*Paul M. Brown*

Defendant

This 15 day March, 1968

*Bald*  
Sheriff of Mobile County

By *W. A. Zellner*

Deputy Sheriff

*Perdido*

Sheriff claims 26 miles  
Ten Cents per mile Total \$ 2.60  
TAYLOR WILKINS, Sheriff  
BY *Taylor*  
DEPUTY SHERIFF

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

MAR 20 8 10 AM '68

BY

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

MAR 3 2 48 PM '68

BY

## COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS  
COURTROOM "B" FIRST FLOORThe State of Alabama, }  
MOBILE COUNTY,

TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

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then and there to answer a complaint of General Finance Corporation of Mobile

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 5 day of March, 1968

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

Cause of Action

**COMPLAINT AND SUMMONS**

Atty. for Plaintiff: McDermott, Slepian & Feibelman  
Atty. for Defendant:

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

No. 65098

Ret. April 11, 1968

General Finance Corp. of Mobile  
VS.

Grace M. Brown  
P. O. Box 185  
Perdido, Alabama

Continued To

Executed by Service on

Defendant

This day, 19

Sheriff of Mobile County

By Deputy Sheriff

*Transferred*  
**NOTICE of APPEAL**

STATE OF ALABAMA, }  
MOBILE COUNTY }

General Finance Corp. of Mobile

Plaintiff

VS.

Grace M. Brown

P. O. Box 185, Perdido, Alabama

Defendant

To Grace M. Brown

in said Cause: General Finance Corp. of Mobile VS Grace M. Brown

You are hereby notified that

General Finance Corp. of Mobile

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 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 ~~MOBILE~~ Baldwin County, to be held for said County, you are hereby notified accordingly.

Given under my hand this the 25 day of October 19 68

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

Case No. 65098

117  
MO. 8405

General Finance Corp. of Mobile

Plaintiff,

VS

Grace M. Brown  
P. O. B x 185  
Perdido, Alabama

Defendant.

TRANSFER  
NOTICE OF ~~APPEARANCE~~

Returnable To The Circuit Court  
OF BALDWIN COUNTY

Issued: October 25, 1968

Serve On:

FILED

OCT 29 1968

ALICE J. BEEZ CLERK  
REGISTER



GENERAL FINANCE CORPORATION  
OF MOBILE,  
a corporation,

Plaintiff

VS

GRACE M. BROWN,

Defendant

IN THE COURT OF GENERAL SESSIONS  
OF MOBILE COUNTY, ALABAMA

CIVIL DIVISION

CASE NO. 65098

PLEA IN ABATEMENT

Comes the defendant, Grace M. Brown, in the above entitled cause, appearing specially and only for the purpose of filing this plea, and says that the said General Finance Corporation of Mobile, a Corporation, plaintiff in this cause, ought not to have and maintain its said action for the defendant says separately and severally, as follows, to-wit:

FIRST

That the said defendant is a resident of Baldwin County, Alabama, and is not a resident of Mobile County, Alabama.

SECOND

That the said defendant resides in the Town of Perdido, Rt. 1, Baldwin County, Alabama, Beat 5, and resided at this address when the alleged Written Agreement was executed and has continued to reside at said address until the present date.

THIRD

That the said defendant has never resided in Mobile County, Alabama.

Wherefore, the defendant says that the General Sessions Court of Mobile County, Alabama, is without jurisdiction to try and determine this cause, and that this action should be abated, and prays the judgment of this Honorable Court whether the plaintiff should be allowed to further maintain this suit.

Grace M. Brown  
Grace M. Brown

Mary Thompson White  
Attorney for Defendant


STATE OF ALABAMA  
BALDWIN COUNTY

Before me, Mary Thompson White a Notary Public, in and

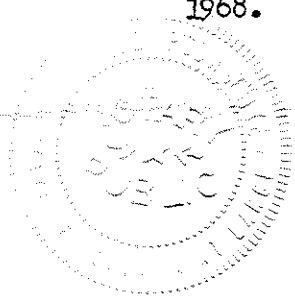
4/11

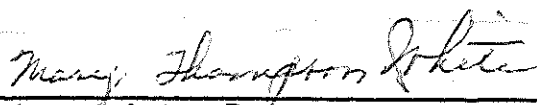
for said county, in said State, personally appeared Grace M. Brown,  
who being known to me, and by me first duly sworn, deposes and says on  
oath:

That she is the defendant in the above entitled cause and has personal  
knowledge of the facts stated in the foregoing pleas and that the said state-  
ments of fact therein contained are true.

  
\_\_\_\_\_  
Grace M. Brown

Sworn to and subscribed before me, this the 10<sup>th</sup> day of April,  
1968.



  
\_\_\_\_\_  
Notary Public, Baldwin County, Alabama.  
State of Alabama at Large  
My Commission expires Nov. 14, 1970

THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY, ALABAMA

Case No. 65098

General Finance Corp. of Mobile  
Plaintiff

VS

Grace M. Brown  
Defendant

Amount of Claim: \$436.93

Filed: February 26, 1968

Issued: March 5, 1968

Returnable: April 11, 1968

Service Had: 3-15-68

Cause of Action: Deficiency

Attorney for Plaintiff: McDermott, Slepian

Attorney for Defendant: Mary Thompson White

4-11-68 Plea in Abatement filed in Court

4-11-68 Plea Confessed.

Deft's Plea in Abatement filed 4-11-68

10-24-68

10-24-68 Plea Confessed Cause transferred to Circuit Court of Baldwin County.

*J. D. Richardson*

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ABOVE  
STYLED CAUSE AS IT APPEARS ON RECORDS AND IN THE FILES OF THE COURT OF GENERAL  
SESSIONS OF MOBILE COUNTY, ALABAMA.

WITNESS MY HAND THIS THE 25th DAY OF OCTOBER, 1968.

*J. D. Richardson*  
CLERK OF THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY, ALABAMA

COST BILL

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

*General Finance Corp. v. Mobile*  
*Blair M. Brantley*  
Plaintiff  
Defendant  
CASE NO. 65098

ATTORNEYS FOR PLTF:—  
*W. E. Dornett*

CS-86-5M-8-67

COURT FEES

\$1.00	Summons and proceedings thereon to judgment
.10	Docketing each cause
1.50	Attachment Bond and Affidavit
.50	Issuing each Attachment
.75	Summoning Garnishee and taking examination
.15	Subpoena for each witness
.50	Execution and taxing costs thereon
1.00	Each appeal or certiorari, including bond and certificate of proceedings
.25	Every necessary Certificate or Notice not otherwise provided for
.50	For issuing each Writ of Detinue
.50	For each Scire Facias, or notice in the nature thereof
.50	Every other Bond
.25	Administering an oath and certifying the same
.25	Issuing Notice of Appeal
.25	Law Library Fee
1.00	Judgment Nisi 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

SHERIFF'S FEES

6.00	Levying Attachment
.25	Entering and returning same
1.50	Summoning Garnishee and making return
1.50	Serving Summons and other mesne process, and returning the same
.75	Summoning each Witness and returning Subpoena
1.50	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
6.00	Seizing personal property under Writ of Detinue
2.00	Taking care of such property, such just compensation as Court may fix
2.00	Taking and approving bonds of every kind
5%	When property is sold under execution or attachment
5%	When sale is stayed by restraining order
Total	
\$ 8.95	GRAND TOTAL

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

MARY THOMPSON WHITE

Attorney-At-Law

ATMORE, ALABAMA 36502

Phone 368-4501

April 10, 1968

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

Re: General Finance Corporation of Mobile

vs

Grace M. Brown  
Case No. 65098

Dear Mr. Richardson;

Attached please find my Plea in Abatement to be filed  
in the above styled cause.

Thanking you for your cooperation, and kindness, I am

Sincerely,

  
MARY THOMPSON WHITE

MTW/mm

Attached

GENERAL FINANCE CORPORATION  
OF MOBILE,  
A Corporation,

Plaintiff

VS

GRACE M. BROWN,

Defendant

IN THE COURT OF GENERAL SESSIONS  
OF MOBILE COUNTY, ALABAMA

CIVIL DIVISION

CASE NO. 65098

PLEA IN ABATEMENT

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That the said Defendant has never resided in Mobile County, Alabama.

Wherefore, the defendant says that the General Sessions Court of Mobile County, Alabama, is without jurisdiction to try and determine this cause, and that this action should be abated, and prays the judgment of this Honorable Court whether the plaintiff should be allowed to further maintain this suit.

Grace M. Brown  
Grace M. Brown

Mary Thompson White  
Attorney for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Mary Thompson White, a Notary Public, in and

for said county, in said State, personally appeared Grace M. Brown,  
who being known to me, and by me first duly sworn, deposes and says on  
oath:

That she is the Defendant in the above entitled cause and has personal  
knowledge of the facts stated in the foregoing pleas and that the said state-  
ments of fact therein contained are true.

Grace M. Brown  
Grace M. Brown

Sworn to and subscribed before me, this the 11<sup>th</sup> day of April,

1968.

Mary Thompson White

Notary Public, Baldwin County, Alabama  
State of Alabama at Large  
My Commission expires Nov. 14, 1970