

CITRONELLE STATE BANK,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
W. M. TUNSTALL,	X	LAW SIDE
Defendant.	X	

DEMURRER

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That said Complaint does not state the rate of interest which is alleged to be due by the Defendant.
3. That said Complaint does not state the date from which interest is now due.

*Chesley, Stone & Gerson*  
Attorneys for Defendant

**FILED**

MAR 4 1969

CERTIFICATE OF SERVICE

I 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 7 day of March, 1969.

**ALICE J. DUCK** CLERK  
REGISTER

*[Signature]*

84-33

CITRONELLE STATE BANK,

Plaintiff,

vs.

W. M. TUNSTALL,

Defendant.

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

FILED

MAR 4 1969

ALICE J. DICK CLERK  
REGISTER

2020.08.14-31

FILED  
NOV 14 1968  
REC  
CLERK

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA, AT LAW

CASE NO. 26522 - BOLLING

\*\*\*\*\*

CITRONELLE STATE BANK

JOHNSTONE, ADAMS, MAY, HOWARD

& HILL -

BY: Charles B. Bailey, Jr.

N.J.

VS. Suit for \$896.55 with interest due by promissory  
note - Atty's fee \$175.00

W.M. TUNSTALL

JURY

HAND, ARENDALL, BEDSOLE,  
GREAVES & JOHNSTON - Donald F. Pierce

PLEADINGS, PROCESS, ETC,  
\* FILING DATE \*

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1. Complaint & Summons

C & S served on Defendant on October 9, 1968.

2. Plea in Abatement

November 12, 1968 - Plea in Abatement sustained and case ordered  
transferred to Baldwin County, Alabama.  
/s/ Robert T. Ervin, Jr.

38-43-29

PAGE 185

EVOL

I, JOHN E. MANDEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above  
is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court.  
In Witness whereof I have hereunto set my hand and attached my Official Seal as such Clerk of said Court at Mobile, Mobile  
County, Alabama, on this the 12th day of November 1968.

Clerk

*John E. Mandeville*

CITRONELLE STATE BANK, ) IN THE CIRCUIT COURT OF  
Plaintiff, ) MOBILE COUNTY, ALABAMA  
-vs- ) AT LAW  
W. M. TUNSTALL, ) CASE NO. 26522  
Defendant. )

Plaintiff claims of the Defendant the sum of Eight Hundred Ninety-Six and 55/100 (\$896.55) Dollars together with interest thereon due by Promissory Note made by the Defendant on, to-wit, the 11th day of May, 1964 and payable on, to-wit, the 11th day of May, 1965.

Plaintiff avers that under the terms of said note, Defendant agreed to pay all costs of collecting or securing or attempting to collect or secure said note, including a reasonable attorney's fee; that under the terms of said note, Defendant agreed and did waive all of his rights of exemption under the Constitution and Laws of Alabama, or any other state; that Plaintiff has employed the law firm of Johnstone, Adams, May, Howard and Hill to collect or secure said note; that a reasonable attorney's fee for such services rendered by said law firm is the sum of One Hundred Seventy-Five and No/100 (\$175.00) Dollars. In addition to the aforesaid total sum of Eight Hundred Ninety-Six and 55/100 (\$896.55) Dollars together with interest thereon, Plaintiff claims of the Defendant the sum of One Hundred Seventy-Five and No/100 (\$175.00) Dollars as a reasonable attorney's fee for the collection of said note.

JOHNSTONE, ADAMS, MAY, HOWARD & HILL

By Charles B. Bailey  
Attorneys for Plaintiff

Defendant's Address:  
P.O. Box 521  
Robertsdale, Alabama

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

SEP 3 4 53 PM '68

**THE STATE OF ALABAMA**  
MOBILE COUNTY

**CIRCUIT COURT**

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

W. M. TUNSTALL

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

CITRONELLE STATE BANK

WITNESS: John E. Mandeville, Clerk of said Court, this 3rd day of September, 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.

No. 26522 - B

JUDGE \_\_\_\_\_ DOCKET \_\_\_\_\_  
CIVIL DIVISION  
**CIRCUIT COURT**  
MOBILE COUNTY

Citronelle State Bank  
  
VS. } Complaint and Summons  
  
W. M. Tunstall

Issued 3rd day of September, 19 68  
Defendant's Address  
P.O. Box 521  
Robertsdale, Alabama  
  
CHARLES B. BAILEY, JR.  
Plaintiff's Attorney

REC'D SHERIFF DEPT.  
MOBILE COUNTY, ALA.

SEP 5 4 40 PM '68

BY \_\_\_\_\_

Received 9 day of Sept 1968  
and on 9 day of Oct 1968  
I served a copy of the within on W.M. Tunstall  
By service on the above  
TAYLOR WILKINS, Sheriff  
C. Childers  
R. H. G. W.

Sheriff claims 501 miles at  
Ten cents per mile Total \$50.10  
TAYLOR WILKINS, Sheriff  
BY C. Childers  
DEPUTY SHERIFF

80-P-2128


CITRONELLE STATE BANK,	§	IN THE CIRCUIT COURT OF
Plaintiff,	§	MOBILE COUNTY, ALABAMA
VS.	§	
W. M. TUNSTALL,	§	AT LAW
Defendant.	§	CASE NO. 26522 - B

PLEA IN ABATEMENT

Comes now the defendant in the above-styled cause, W. M. Tunstall, and appearing specially and for the purpose of filing this plea in abatement, and for no other purpose, and as ground for the abatement of this action, sets down the following, separately and severally:

1. For that the defendant, W. M. Tunstall, is a resident of Baldwin County, Alabama, within the meaning of Title 7, Section 54, Code of Alabama 1958, as revised, and was such at the time the cause of action, which is the basis of this action at law, arose; therefore, the venue of this action is not proper in Mobile County, Alabama and the same should be abated, with the cost to the defendant for the filing of this plea.

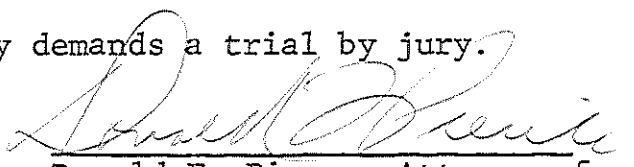
  
W. M. TUNSTALL

  
Attorneys for Defendant

OF COUNSEL

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Defendant respectfully demands a trial by jury.

  
Donald F. Pierce, Attorney for  
Defendant

A F F I D A V I T

STATE OF ALABAMA

COUNTY OF BALDWIN

Personally appeared before me, the undersigned Notary Public in and for said State and County, W. M. TUNSTALL, who is known to me, and who after being first duly sworn, does under oath state that the facts alleged in the foregoing Plea in Abatement are true and correct.

  
W. M. TUNSTALL

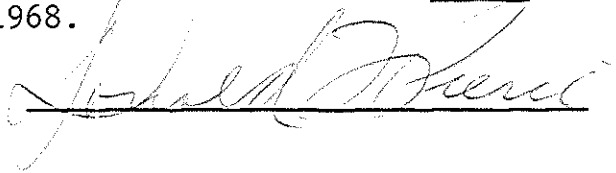
SWORN TO AND SUBSCRIBED before me  
on this 22 day of October, 1968.

  
NOTARY PUBLIC

Baldwin County, Alabama

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing Plea in Abatement to Charles B. Bailey, Jr., Esquire, Attorney for the Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Bailey at his office in Mobile, Alabama, on this 8th day of ~~October, 1968~~ November, 1968.



STATE OF ALA. FILED 88.  
I CERTIFY THIS PLEADING  
WAS FILED ON

Nov 9 4 40 PM '68

  
CLERK



FRIDAY, NOVEMBER 12, 1968

CITRONELLE STATE BANK

ERVIN            -vs-            26522

W.M. TUNSTALL

)  
) PLEA IN ABATEMENT SUSTAINED  
) AND CASE ORDERED TRANSFERRED  
) TO BALDWIN COUNTY, ALABAMA  
)

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 ordered transferred to Baldwin County, Alabama, for further proceedings.

Minute Book 38

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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 12th day of November, 1968, in the cause  
entitled No. 26522 - CITRONELLE STATE BANK

\_\_\_\_\_, Plaintiff,  
— versus — W.M. TUNSTALL

Defendant, ~~(together with the cancellation thereof)~~ as the same remains of record in this office in  
Minute Book No. 38, Page No. 43.

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 November, 1968.

ATTEST:

  
Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

CITRONELLE STATE BANK

No. 26522

W. M. JONSTAD  
V.S.

Plaintiff  
Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957  
Appvd. Sept. 20, 1957)  
(Amend Sec. 21, Title 11, Code Ala. 1940)

1503407789

(Act No. 571, Reg. Ses. Leg. 1965)  
(Amend. Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES	
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	15.00
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 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, $\frac{1}{2}$ the percentage allowed Sheriffs	\$
Total	\$

[illegible]

SHERIFF'S FEES
Mileage \$5.00
Serving Summons & Complaint .....\$ 1.50
Serving Writ of Garnishment .....
Serving Sci Fa-Notices .....
Laying Attachment & Return .....
Executing Writ Possession .....
Seizing personal property under Writ of Detinue .....
Serving subpoenas, each .....
Impaneling Jury .....
Taking & Approving Bond .....
Collecting Costs Execution .....
Serving Contempt Writ .....
Making Deed for Property sold .....
Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$
Total .....
RECAPITULATION
Clerk .....
Sheriff .....
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 .....
Trial Tax (County) .....
Trial Tax (State) .....
Advertisement .....
Garnishee's fees .....

\$31.80

JOHN E. MANDEVILLE, Clerk

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.