

FOREMAN, BROWN & HUDGENS
ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

MOBILE, ALABAMA
36602

ALEXANDER FOREMAN, JR. (1914-1966)
ALTON R. BROWN, JR.
A. NEIL HUDGENS
PETER V. SINTZ
JOHN D. RICHARDSON

AREA CODE 205
432-2792

May 13, 1969

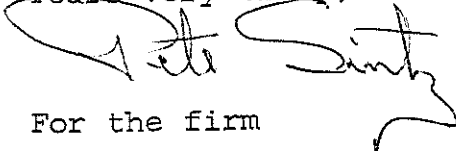
Mrs. Alice Duck
Clerk
Circuit Court
Baldwin County
Bay Minette, Alabama

RE: First National Bank of Mobile, Executor
of the Estate of N. W. Hutchings vs
Paul Mueller, et al
Case No. 8445

Dear Mrs. Duck:

With reference to the above styled matter, we respectfully
request that same be dismissed through a non-suit on the
motion of the Plaintiff.

Yours very truly,


For the firm

PS/gpw

cc: Phyllis S. Nesbit
Post Office Box 555
Robertsdale, Alabama 36567

TRANSFER

NOTICE of ~~APPEAL~~

STATE OF ALABAMA, }
MOBILE COUNTY }

The First National Bank of Mobile

Plaintiff

VS.

Paul Mueller, etc.

Defendant

To Paul Mueller, etc.

in said Cause: The First National Bank of Mobile VS Paul Mueller, etc.

You are hereby notified that

The First National Bank 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 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 County, to be held for said County, you are hereby notified accordingly.

Given under my hand this the 20 day of November 1968

Clerk, Court of General Sessions of Mobile County, Civil Division

ORIGINAL

8445

Case No. 68612

The First National Bank of Mobile

Plaintiff,

VS

Paul Mueller, etc.
Pirate Cove, Baldwin County, Alabama

Defendant.

NOTICE OF APPEAL TRANSFER

Returnable To The Circuit Court

OF BALDWIN COUNTY

Issued: November 20, 1968

Serve On:

Paul Mueller
Pirate Cove

Received 28 day of Nov 1968
and on 8 day of Jan 1968

I served a copy of the within Notice
on Paul Mueller, etc.

By service on Above

TAYLOR WILKINS, Sheriff

Josephine D. S.

Sheriff claims 110 miles at

Ten Cents per mile Total \$ 10.10

TAYLOR WILKINS, Sheriff

by Charles Childers
DEPUTY SHERIFF

Josephine

THE FIRST NATIONAL BANK OF MOBILE)

As Executor of the Estate of
N. W. Hutchings,

Plaintiff,

VS.

PAUL MUELLER, et al,

Defendants.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
) AT LAW
) CASE NO. 8445
)

Comes now the Defendant in the above styled cause
and files the following Pleas to the Plaintiff's Complaint:

1.

Not guilty.

2.

He denies the allegations contained therein.

WILTERS, BRANTLEY & NESBIT

BY:

Phyllis S. Nesbit
Phyllis S. Nesbit

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 14th day of February
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.

WILTERS & BRANTLEY & Nesbit

By: *Phyllis S. Nesbit*

FILED

FEB 6 1969

ALICE J. DUCK

CLERK
REGISTER

84-45

THE FIRST NATIONAL BANK OF
MOBILE,

Plaintiff

vs.

PAUL MUELLER, et al

Defendants.

PLEAS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. 8445

WILTERS, BRANTLEY & NESBIT
Attorneys for Defendant

FILED

FEB 6 1969

ALICE J. DUCK CLERK
REGISTER

ALICE J. DUCK
CLERK
REGISTER

FEB 6 1969

FILED

THE FIRST NATIONAL BANK OF MOBILE,*	IN THE COURT OF
As Executor of the Estate of	
N. W. HUTCHINGS,	* GENERAL SESSIONS OF
Plaintiff,	* MOBILE COUNTY,
Vs.	* ALABAMA
PAUL MUELLER, ABC, THE PERSONS	*
FIRMS OR CORPORATIONS WHO	
REPLACED AN OUTDRIVE ON PLAINTIFF'S	*
BOAT ON OR ABOUT 7/26/67,	*
Defendants.	* CASE NO. _____

COUNT ONE

Plaintiff claims of the Defendants the sum of Seven Hundred Fifty and no/100 (\$750.00) Dollars as damages, for that and on or about, to-wit, the 26th day of July, 1967, the Defendants so negligently replaced an outdrive on Plaintiff's boat by failing to push a rubber seal collar on the electric shift cable to the outdrive which allowed water to leak into the boat when placed in the water, that said boat was caused to sink when placed in the water, that as a proximate consequence of the Defendants' negligence aforesaid Plaintiff was damaged in that the engine had to be cleaned, overhauled, and tuned, that the alternator, condenser, plugs, solenoids and batteries had to be replaced, and the oil of the engine changed, all to the damage of the Plaintiff's testator as aforesaid, hence this suit.

FOREMAN & BROWN
Attorneys for Plaintiff

BY 
PETER V. SINTZ

Serve Defendant Mueller at:

Pirate Cove
Baldwin County
Alabama

7/9/68

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 Paul Mueller, ABC, the Persons Firms or
Corporations Who Replaced and outdrive on plaintiff's boat on or about 7/26/67.

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile
 County, on the 27 day of Aug., 1968 at the hour of 9:00 A.M.,
 then and there to answer a complaint of The First National Bank 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.....day of....., 19.....

JUL 10 1968
J. D. Richardson
 Clerk of the Court of General Sessions of Mobile County.

Cause of Action

Pirate Cove
Damages
COMPLAINT AND SUMMONS

Atty. for Plaintiff: Foreman & Brown
Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 68612

Ret. Aug. 27, 1968

The First National Bank of Mobile
VS.

Paul Mueller, etc.

Pirate Cove

Baldwin County, Ala.

Continued To

Sheriff's return

Executed by Service on

Paul Mueller
Defendant

This 13th day August, 1968

Sheriff of Mobile County

By *J. M. Eastman*
Deputy Sheriff

Pirate Cove, Ala.

RECEIVED

JUL 15 1968

TAYLOR WILKINS
SHERIFF

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

FOR SERVING 1 PROCESS(ES) AND

TRAVEL EXPENSE ON EACH OF \$ 10.00

PROCESS(ES) OR A TOTAL OF \$ 11.50

HARRY J. WILTERS, JR.
TOLBERT M. BRANTLEY
PHYLLIS S. NESBIT

LAW OFFICES OF
WILTERS, BRANTLEY & NESBIT
P. O. BOX 555
ROBERTSDALE, ALABAMA 36567

PHONES
ROBERTSDALE 947-4682

August 21, 1968

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

Dear Mr. Richardson:

Re: First National Bank of Mobile as Executor of the Estate
of N. W. Hutchings VS. Paul Mueller, ABC, the Persons
Firms or Corporations who replaced an Outdrive on Plain-
tiff's Boat on or about 7/26/67, Case No. 68612


Enclosed please find a Verified Plea in Abatement signed by
Paul Mueller in the above styled case.

If it will be necessary for my client to come to Court to
support his Plea in Abatement, please let me know.

Sincerely yours,

WILTERS, BRANTLEY & NESBIT

BY:


(Mrs.) Phyllis S. Nesbit
Attorney at Law
Robertsdale, Alabama

Encl. (1)

The First National Bank of
Mobile, As Executor or the
Estate of N. W. Hutchings

Plaintiff

VS.

PAUL MUELLER, ABC, THE
PERSONS FIRMS OR CORP.
WHO REPLACED MAN OUTDRIVE
ON PLAINTIFF'S BOAT ON OR
ABOUT 7/26/67

Defendant

VERIFIED PLEA IN
ABATEMENT

IN THE COURT OF GENERAL SESSIONS
OF MOBILE, ALABAMA

CASE No. 68612

Comes now the Defendant, Paul Mueller, and files this, his
Plea in Abatement, to the complaint filed against him and for
grounds therefore says:

1.

That this Court is without jurisdiction to try this cause.

2.

That the Defendant, Paul Mueller, is a resident citizen of
Baldwin County, Alabama, residing in Pirates Cove, Elberta, Alabama,
and has been residing in Pirates Cove, Elberta, Alabama, for the
past 12 years. That the suit filed against him is based on a per-
sonal action and this Court is without jurisdiction to try this
cause.

3.

That this Court is without jurisdiction to try this matter,
that this Court's jurisdictional limitations extend no further than
the boundary of Mobile County.

The above pleas are entered for the following purposes: For
the pleading to the jurisdiction of this Court and the Defendant
reserves the right to file such other pleadings as they deem necessary
in this cause.

Paul Mueller

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Carol S. Stallings, a Notary Public, in and for said
County in said State, personally appeared Paul Mueller, who having been
by me first duly sworn and deposes and says that he has read the fore-
going Plea in Abatement and that the facts stated therein are true.

Carol S. Stallings

Sworn to and subscribed before me on this the 20th day of
August, 1968.

Carol S. Stallings 8/27

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 21st day of Aug
1941 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.

WILTERS, BRANTLEY & NESBIT

By Thyler S. Nesbit

COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS
COURTROOM "B" FIRST FLOOR

The State of Alabama, }
MOBILE COUNTY

TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon Paul Mueller, ABC, the Persons Firms or
Corporations Who Replaced and outdrive on plaintiff's boat on or about 7/26/67.

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile
County, on the 27 day of Aug., 19 68 at the hour of 9:00 A.M.,
then and there to answer a complaint of The First National Bank 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 day of JUL 10 1968, 19

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

Cause of Action

418-13-68

VOL

61 PAGE 542

Damages
COMPLAINT AND SUMMONS

Atty. for Plaintiff: Foreman & Brown

Atty. for Defendant:

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

No. 68612

Ret. Aug. 27, 1968

The First National Bank of Mobile
VS.

Paul Mueller, etc.

Pirate Cove

Baldwin County, Ala.

Continued To

Executed by Service on

Defendant

This day, 19.....

Sheriff of Mobile County

By
Deputy Sheriff

TRANSFER

NOTICE of ~~APPEAL~~STATE OF ALABAMA, }
MOBILE COUNTY }

The First National Bank of Mobile

Plaintiff

VS.

Paul Mueller, etc.

Defendant

To Paul Mueller, etc.

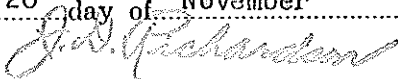
in said Cause: The First National Bank of Mobile VS Paul Mueller, etc.

You are hereby notified that.

The First National Bank 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 judgement therein 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 County, to be held for said County, you are hereby notified accordingly.

Given under my hand this the 20 day of November 19 68


 Clerk, Court of General Sessions of Mobile County, Civil Division

VI
Case No. 68612

120, 5445

The First National Bank of Mobile

Plaintiff,

VS

Paul Mueller, etc.
Pirate Cove, Baldwin County, Alabama

Defendant.

NOTICE OF ~~APPEAL~~ TRANSFER

Returnable To The Circuit Court

OF BALDWIN COUNTY

Issued: November 20, 1968

Serve On:

FILED
Paul Mueller
Pirate Cove

NOV 27 1968

ALICE J. DUCK CLERK
REGISTER

THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY, ALABAMA

Case No. 68612

The First National Bank of Mobile
Plaintiff

VS

Paul Mueller, etc.

Defendant

Amount of Claim: \$750.00

Filed: July 9, 1968

Summons Issued: July 10, 1968

Returnable: August 27, 1968

Service Had: 8-13-68

Cause of Action: Damages

Attorney for Plaintiff: Foreman & Brown

Attorney for Defendant: Wilters, Brantley
& Nesbit

8-22-68 Verified Plea in Abatement filed.

November 19, 1968 f/d

11-19-68 Motion Granted- Proceedings transferred to Circuit Court of Baldwin County, Alabama.

Paul Mueller

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

WITNESS MY HAND THIS THE 20th day of November, 1968.

J. D. Richardson

CLERK OF THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

COST BILL

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

The First National Bank of Mobile
Plaintiff

Paul Mueller
Defendant

CASE NO. 68612

COURT FEES

Summons and proceedings thereon to judgment	\$1.00	✓
Docketing each cause .....	.10	✓
Attachment Bond and Affidavit	1.50	
Issuing each Attachment .....	.50	
Summoning Garnishee and taking examination .....	.75	
Subpoena for each witness .....	.15	
Execution and taxing costs thereon .....	.50	
Each appeal or certiorari, including bond and certificate of proceedings	1.00	✓
Every necessary Certificate or Notice not otherwise provided for .....	.25	✓
For issuing each Writ of Detinue .....	.50	
For each Scire Facias, or notice in the nature thereof .....	.50	
Every other Bond .....	.50	
Administering an oath and certifying the same .....	.25	
Issuing Notice of Appeal .....	.25	
Law Library Fee	1.00	✓
Judgment Ni Si 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		
.....		
.....		
.....		
.....		
.....		
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	✓
Summoning each Witness and returning Subpoena .....	.75	
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	1.50	✓
Seizing personal property under Writ of Detinue	6.00	
Taking care of such property, such just compensation as Court may fix		
Taking and approving bonds of every kind	2.00	
When property is sold under execution or attachment		
Commission: <u>millage</u>	5% <u>10.00</u>	
When sale is stayed by restraining order	2 1/2 %	
Total	\$	
GRAND TOTAL	\$	<u>16.35</u>

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