

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON  
LYMAN F. HOLLAND, JR.  
J. THOMAS KINES, JR.  
DONALD F. PIERCE  
LOUIS E. BRASWELL  
HAROLD D. PARKMAN  
G. PORTER BROCK, JR.  
HARWELL C. COALE, JR.  
STEPHEN G. CRAWFORD  
JERRY A. MCDOWELL  
W. RAMSEY MCKINNEY, JR.  
LARRY U. SIMS  
A. CLAY RANKIN, III  
EDWARD A. HYNDMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III

MAILING ADDRESS:  
P. O. DRAWER C  
OR P. O. BOX 123

CABLE ADDRESS:  
HAB  
TELEPHONE  
432-5511  
AREA CODE 205

August 23, 1972

Mrs. Eunice B. Blackmon, Clerk  
Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Robert A. Hume v. Harford Penn  
Case No. 8713

Dear Mrs. Blackmon:

By letter dated June 27, 1972, we inquired whether the \$50.00 deposited with you as clerk in the above reference case could be credited against the court cost in the amount of \$47.20 with the balance being forwarded to our offices. We would appreciate hearing from you in regard to this matter at your earliest convenience.

Yours very truly,

*Harwell C. Coale*  
For the Firm

HEC/pa

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June 27, 1972

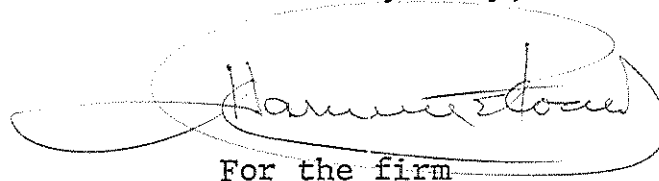
Mrs. Eunice B. Blackmon, Clerk  
Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Robert A. Hume v. Harford Penn  
Case No. 8713

Dear Mrs. Blackmon:

We received your note in regard to payment of court costs in the above-referenced matter in the amount of \$47.20. Sometime ago we were notified by T. M. Brantley the defendant's attorney that \$50.00 had been deposited with you as Clerk of the Court. Please advise if you can apply this \$50.00 to the payment of costs and forward the balance to our offices. Thank you for your assistance in this matter.

Yours very truly,

  
For the firm

HEC.jr/jr

J. CONNOR OWENS, JR.

ATTORNEY AT LAW

DAHLBERG BUILDING

P. O. BOX 729

BAY MINETTE, ALABAMA 36507

May 30, 1972

TELEPHONE NO. 937-4561

Mr. Edward A. Hyndman, Jr.  
Attorney at Law  
P. O. Box 123  
Mobile, Alabama

Subject: Robert A. Hume vs. Harvard Penn  
Baldwin County Case No. 8713

Dear Ed:

This is with reference to your letter of May 29, 1972, concerning the above styled matter. Also, I am answering your letter of May 28, 1972, directed to Mrs. Eunice B. Blackmon.

I checked the records today and it does not appear that a writ of discovery has ever issued in this case. You state that such was done on February 4, 1972, however, the records do not indicate such.

Furthermore, it appears that the execution issued in the matter was never returned to the Clerk from the Sheriff's office. I am this day requesting Mr. Byrd in the Sheriff's office to return the execution to Mrs. Blackmon in order that a petition for such a writ of discovery might be filed. Generally, the practice in this county is to file a motion requesting that a writ of discovery be filed, alleging that more than thirty days has elapsed since execution issued and the same was returned marked no property found.

Keep tabs on me and I will attempt to secure some action in this matter.

Sincerely yours,

J. Connor Owens, Jr.

JCO:am

CC: Mrs. Eunice B. Blackmon, Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama 36507

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P  
Y

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

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MOBILE, ALABAMA

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EDWARD A. HYNOMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III

May 28, 1972

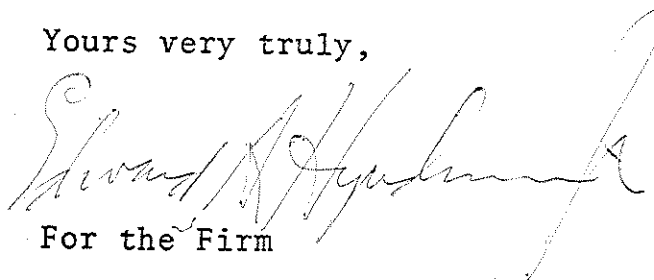
Mrs. Eunice B. Blackmon, Clerk  
Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Robert A. Hume vs.  
Harvard Penn  
Case No. 8713

Dear Mrs. Blackmon:

You will note from the file that a writ of discovery was issued in the above-captioned case on February 4, 1972. Apparently the defendant never appeared. We would appreciate your issuing a rule nisi or whatever else is necessary in order to get the defendant into court in order that we may discover what assets he has if any and where he works, so that we may garnish his wages if necessary.

Yours very truly,



For the Firm

EAH.er

cc: J. Connor Owens, Jr.

PLEA

ROBERT A. HUME, )  
Plaintiff, )  
VS. )  
HARFORD PENN, )  
Defendant. )  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
CASE NO. \_\_\_\_\_

1.

Not Guilty.

WILTERS & BRANTLEY

BY:

Tolbert M. Brantley  
Tolbert M. Brantley

The Defendant demands a trial by Jury.

WILTERS & BRANTLEY

BY:

Tolbert M. Brantley  
Tolbert M. Brantley

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 20<sup>th</sup> day of May,  
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

By:

Tolbert M. Brantley

FILED

MAY 20 1969

ALICE J. DUCK CLERK  
REGISTER

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

CASE NO. 28286 - CAFFEY

HAND, ARENDALL, BEDSOLE,  
GREAVES & JOHNSTON  
BY: HARWELL E. COALE

ROBERT A. HUME

N.J.

VS. Suit for \$1,500.00 damages to auto.  
(TORT)

TOLBERT M. BRANTLEY  
P.O. Box 968  
Bay Minette, Ala. 36507

HARFORD PENN

N.J.

PLEADINGS, PROCESS, ETC,

\* FILING DATE

## 1. Complaint & Summons

\* 4-21-69 \*

C & S served on Defendant on April 26, 1969.

## 2. Plea in Abatement

\* 5-9-69 \*

May 16, 1969 - Plea in Abatement sustained and case transferred to  
Baldwin County for further proceedings. /s/ Will G. Caffey, Jr.  
Judge - - - - - 39-70

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 16th day of May 1969.

John E. Mandeville, Clerk

39-70  
20  
1  
80  
70A

ROBERT A. HUME, : IN THE CIRCUIT COURT OF  
Plaintiff, : MOBILE COUNTY, ALABAMA  
vs. : AT LAW  
HARFORD PENN. :  
Defendant. : CASE NO. ~~28285~~ 28286

C O M P L A I N T

The plaintiff claims of the defendant, ONE THOUSAND FIVE HUNDRED AND NO/100 (\$1,500.00) DOLLARS as damages for that heretofore and on, to-wit: August 12, 1968, the defendant so negligently operated a motor vehicle on U. S. Highway 98 at a point on said Highway near Daphne, Alabama, at which point said U. S. Highway 98 is a public road in the County of Baldwin, State of Alabama, so as to cause or allow said motor vehicle to collide with the plaintiff's motor vehicle which was then being operated on said U. S. Highway 98 at a point near Daphne, Alabama, and as a direct and proximate result and consequence of the aforesaid negligence of the defendant, the plaintiff's motor vehicle was bent, broken and damaged and the plaintiff lost the use thereof for a period of time, hence, this suit.

  
Attorney for Plaintiff

OF COUNSEL:

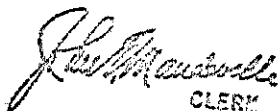
HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Defendant may be served at:

Daphne, Alabama

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

APR 21 8 18 AM '69

  
CLERK

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

APR 11 4 53 PM '69

VOL

68

PAGE

20

  
CLERK

**THE STATE OF ALABAMA**  
MOBILE COUNTY

**CIRCUIT COURT**

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

HARFORD PENN

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

ROBERT A. HUME

WITNESS: John E. Mandeville, Clerk of said Court, this 21st day of April, 19 69

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.



APR 22 3 15 PM '69  
BY

mail  
No. 28286 - c  
JUDGE \_\_\_\_\_ DOCKET  
CIVIL DIVISION  
CIRCUIT COURT  
MOBILE COUNTY

Robert A. Hume

VS. } Complaint and Summons

Harford Penn

Issued 21st day of April, 19 69

Defendant's Address  
RESIDENCE: take left off Highway  
98 on Wilson Avenue in Daphne,  
Alabama, proceed about 3/4 mile.  
At this point, his house will be  
on the left side of Wilson Avenue  
in Daphne, Alabama.

HARWELL E. COALE  
Plaintiff's Attorney

Sheriff claims 64 miles at  
Ten Cents per mile Total \$ 5.40  
TAYLOR WILKINS, Sheriff  
BY Randall  
DEPUTY SHERIFF

Received 24 day of April 19 69  
and on 26 day of April 19 69  
I served a copy of the within S & C  
on Harford Penn  
By service on

TAYLOR WILKINS, Sheriff  
By Roy Randall D. S.  
Daphne

#28286

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON  
LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

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THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
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ALEX F. LANKFORD, III  
EDMUND R. CANNON  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
DONALD F. PIERCE  
LOUIS E. BRASWELL  
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HARWELL E. COALE, JR.  
STEPHEN G. CRAWFORD  
JERRY A. MCDOWELL  
W. RAMSEY MCKINNEY, JR.  
LARRY U. SIMS  
C. WAYNE LOUDERMILCH  
A. CLAY RANKIN, III  
EDWARD A. HYNDMAN, JR.

April 10, 1969

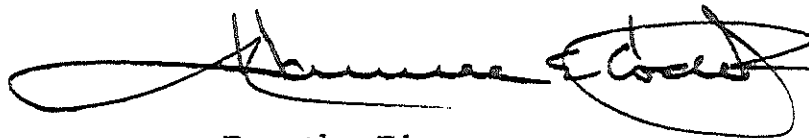
Clerk, Circuit Court  
Mobile County Courthouse  
Mobile, Alabama

Re: Robert A. Hume vs. Harford Penn,  
Case No. ~~28225~~ 28286

Dear Sir:

We are filing herewith a complaint against Harford Penn. For the purpose of serving the summons and complaint, his residence can be found by taking a left off of Highway 98 on Wilson Avenue in Daphne, Alabama, and proceed for about 3/4 of a mile. At this point, his house will be on the left side of Wilson Avenue.

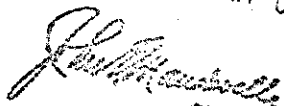
Yours very truly,



For the Firm

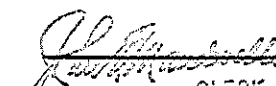
STATE OF ALA. MOBILE CO.  
I CERTIFY THIS PLEADING  
WAS FILED ON  
HEC.sp

APR 21 8 13 AM '69

  
CLERK

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

APR 15 8 24 AM '69

  
CLERK

|                 |   |                         |
|-----------------|---|-------------------------|
| ROBERT A. HUME, | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,      | ) | MOBILE COUNTY, ALABAMA  |
| VS.             | ) | AT LAW                  |
| HARFORD PENN,   | ) | CASE NO. 28,286 - C     |
| Defendant.      | ) |                         |

PLEA IN ABATEMENT

Comes now the Defendant in the above styled cause and appears for the purpose of filing this, his Plea in Abatement to the jurisdiction, and for grounds for said Plea, says as follows:

That the cause of action complained of, being an automobile wreck, occurred in Daphne, Baldwin County, Alabama. That the Defendant, Harford Penn, is a resident citizen of Daphne, Baldwin County, Alabama, and has been for the past 25 years and has never lived in Mobile County, Alabama. That the Court is without jurisdiction to try this case.

Harford Penn  
Harford Penn, Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Harford Penn, who is known to me and who being by me first duly sworn, deposes and says: That he has read the foregoing Plea in Abatement and that the matters stated therein are true and correct.

Harford Penn  
Harford Penn, Defendant

Given under my hand and seal on this the 8th day of May, 1969.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 8 day of May, 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.

WILKERS & BRANTLEY

By: Solomon M. Brantley

P.O. Box 968  
B.M. 66 36507

Notary Public

STATE OF ALA. MOBILE CO.  
NOTARY PUBLIC  
Solomon M. Brantley  
MAY 9 9 03 AM '69

EVOL

68 28

CLERK

FRIDAY, MAY 16, 1969

|                |   |                              |
|----------------|---|------------------------------|
| ROBERT A. HUME | ) |                              |
| CAFFEY         | ) | PLEA IN ABATEMENT SUSTAINED, |
| -vs-           | ) | AND CASE TRANSFERRED TO      |
| 28286          | ) | BALDWIN COUNTY FOR FURTHER   |
|                | ) | PROCEEDINGS                  |
| HARFORD PENN   | ) |                              |

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed May 9, 1969, 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 defendant's said Plea in Abatement filed May 9, 1969, in this cause be, and the same is hereby sustained, and cause ordered transferred to the Circuit Court of Baldwin County, Alabama, for further proceedings.

Minute Book 39

Page 70

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

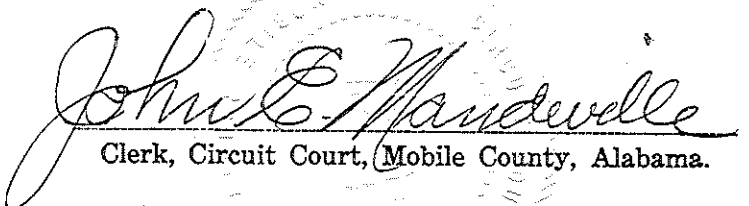
as rendered by the said Circuit Court on the 16th day of May, 19 69, in the cause  
entitled No. 28286 - ROBERT A. HUME

\_\_\_\_\_, Plaintiff,  
— versus — HARFORD PENN

Defendant, (~~Together with the cancellation thereof~~), as the same remains of record in this office in  
Minute Book No. 39, Page No. 70

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 16th day of May, 19 69.

ATTEST:

  
Clerk, Circuit Court, Mobile County, Alabama.

