

no. 4806

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

CASE NO. 28694 - HOCKLANDER

LYONS, PIPES & COOK
BY: Gordon B. Kahn

IRVING KAHN

N.J.

VS. Suit for \$21,560.00 damages for breach of written lease
Atty's fee \$4,200.00 (WAIVER)

THOMAS F. SWEENEY

GRADY R. WALKER

JURY

*****	*****	*****
PLEADINGS, PROCESS, ETC,	FILING DATE	*
*****	*****	*****
1. Complaint & Summons	5-29-69	C & S served on Defendant on June 2, 1969.
2. Plea in Abatement and Demand for Jury	7-2-69	July 14, 1969 - Plea in Abatement confessed and sustained and case ordered transferred to Circuit Court of Baldwin County, Alabama. /s/ Joseph M. Hocklander, Judge 39-313
*****	*****	*****

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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 15th day of July, 1969.

John E. Mandeville Clerk

FILED

JUL 16 1969

ALICE J. DUCK
CLERK
REGIS

IRVING KAHN,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	MOBILE COUNTY, ALABAMA
-vs-	:	
	:	AT LAW
GRADY R. WALKER,	:	
Defendant.	:	CASE NO. <u>28694</u>

COUNT ONE

The Plaintiff claims of the defendant the sum of to-wit, TWENTY ONE THOUSAND FIVE HUNDRED SIXTY AND NO/100 (\$21,560.00) DOLLARS damages for the breach of a written lease entered into between the plaintiff and the defendant on to-wit the 10th day of July, 1967, by which the defendant promised to pay for the use of that certain real property in the County of Mobile, State of Alabama, known as 1451 Davis Avenue, for and during the term of to-wit, from the 1st day of July, 1967 to to-wit the 30th day of June, 1977, by payment of Two Hundred Twenty and No/100 (\$220.00) Dollars on to-wit the 1st day of July, 1967 and one hundred Nineteen (119) payments of Two Hundred Twenty and No/100 (\$220.00) Dollars each due and payable respectively on the 1st day of each month thereafter; and the plaintiff alleges that the defendant has failed, neglected, or refused to pay rent for the months of April and May, 1969, and the plaintiff further alleges that in said lease it was provided that should the lessee become in default in the payment of rent or violate any of the conditions of the lease, the whole rent for the whole term of this lease shall at once become due and payable. Plaintiff alleges that said default in the payment of rent has occurred

and that the entire rent for the whole term of the lease is at once due and payable.

And the Plaintiff further alleges that in said lease and as a part of the consideration thereof the defendant agreed to pay a reasonable attorney's fee which the plaintiff claims and avers to be the sum of to-wit FOUR THOUSAND TWO HUNDRED (\$4,200.00) DOLLARS.

For all of which the plaintiff brings suit and claims damages in the sum of to-wit, TWENTY FIVE THOUSAND SEVEN HUNDRED SIXTY (\$25,760.00) DOLLARS.

LYONS, PIPES AND COOK
Attorneys for the Plaintiff

By: 

Gordon B. Kahn

Defendant may be served

c/o The Discount World Truck Stop, Inc.
Route 1, Box 153
Loxley, Alabama

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

MAY 23 1 40 PM '89


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THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

GRADY R. WALKER

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

IRVING KAHN

WITNESS: John E. Mandeville, Clerk of said Court, this 29th day of May, 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.

Est/
6-2-69

Received 2 day of June 1969
and on 2 day of June 1969
I served a copy of the within to
Grady R. Walker
by service on _____

TAYLOR WILKINS, Sheriff

By H. Brown D. S.

44 miles R. T. Loxley

Sheriff claims 44 miles at

Ten Cents per mile Total \$ 4.40

TAYLOR WILKINS, Sheriff

BY Brown
DEPUTY SHERIFF

mail
JUDGE _____ DOCKET _____

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

Irving Kahn

VS. }

Complaint and Summons

Grady R. Walker

Issued 29th day of May, 19 69

Defendant's Address

c/o The Discount World Truck Stop,
Inc., Route 1, Box ~~152~~ 153, Loxley,
Alabama

GORDON B. KAHN

Plaintiff's Attorney

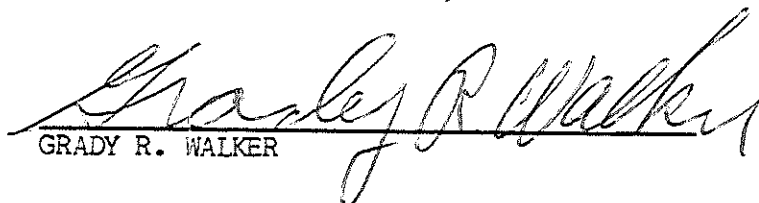
IRVING KAHN,
Plaintiff,
Vs.
GRADY R. WALKER,
Defendant.

* IN THE CIRCUIT COURT OF
*
* MOBILE COUNTY, ALABAMA
*
*
* AT LAW
*
*
*** CASE NUMBER 28,694-H.

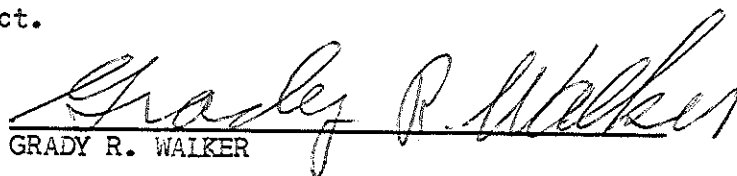
PLEA IN ABATEMENT

Comes now Grady R. Walker, defendant, and respectfully shows that he is a non-resident of the County of Mobile and has his place of residence at Route 1, Box 153, Loxley, Baldwin County, Alabama.

WHEREFORE, defendant moves that this cause be abated in this Court pursuant to Title 7, Section 54, of the 1940 Code of Alabama, as amended.


GRADY R. WALKER

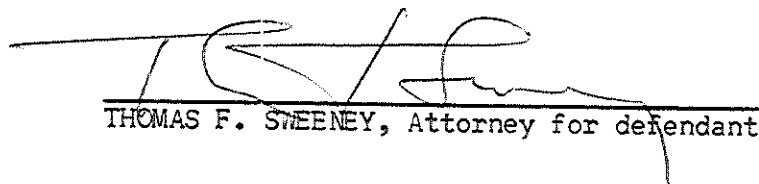
The above facts are true and correct.


GRADY R. WALKER

Sworn to and subscribed before me this the 2nd day of July, 1969.


NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

Jury trial demanded in this cause.

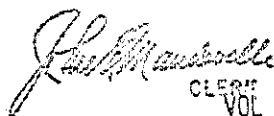

THOMAS F. SWEENEY, Attorney for defendant

CERTIFICATION

I, Thomas F. Sweeney, do hereby certify that I have served a copy of the foregoing Plea in Abatement on the Hon. Gordon B. Kahn, Attorney for Plaintiff, by causing a copy of same to be deposited in the U. S. Mails properly stamped and addressed to him at: 2510 First National Bank Building, Mobile, Alabama, 36602, this the 2nd day of July, 1969.

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

JUL 2 4 35 PM '69


CLERK
VOL


THOMAS F. SWEENEY, Attorney for defendant

MONDAY, JULY 14, 1969

IRVING KAHN)	PLEA IN ABATEMENT CONFESSED AND
)	SUSTAINED AND CASE ORDERED TRANS-
HOCKLANDER -vs- 28694)	FERRED TO CIRCUIT COURT OF BALDWIN
)	COUNTY, ALABAMA.
GRADY R. WALKER)	

This day in Open Court came the parties by their attorneys, and plaintiff, in open Court, on this day, confessed defendant's Plea in abatement filed July 2, 1969 to the complaint in this cause; and

It is therefore ordered and adjudged by the Court that the defendant's said Plea in Abatement filed July 2, 1969 to the complaint in this cause, be, and the same is hereby sustained and case ordered transferred to Circuit Court of Baldwin County, Alabama.

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