

H.A.LLOYD

W. W. DINNING
CITY ATTORNEY

3772

LLOYD & DINNING

ATTORNEYS AT LAW

DEMOPOLIS, ALABAMA

TELEPHONE 556

April 29, 1957

Mrs. Alice J. Duck
Register of Circuit Court
Baldwin County
Bay Minette, Alabama

Re: J. V. Hudson vs. Cox Webb
Case No. 3772

Dear Mrs. Duck:

We enclose herewith an amendment to Plea in Abatement which was previously filed by the respondent in the above case.

We shall appreciate your kindness in filing this amendment if in order.

By way of confirmation, we discussed with Mr. Brice by telephone yesterday the fact that the respondent was at this time in the hospital and it was not possible for him to be present at a hearing on the plea originally set for this date. Mr. Brice and I have agreed to secure another date convenient with the Court for the hearing of this Plea in the near future.

Very truly yours,

LLOYD & DINNING

BY 

HAL/jme

Encl.

cc: Mr. James A. Brice
Attorney at Law
Foley, Alabama

J. V. HUDSON,)
Complainant:)

-vs-

Cox Webb,)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY Case No. 3772

AMENDMENT TO PLEA IN ABATEMENT

Comes the Respondent and amends his plea in abatement heretofore filed in the above styled cause as follows:

1. By adding as a last paragraph thereto the following:

"Premises considered, Respondent prays that this suit be abated."

2. By adding after signature of solicitors for Respondent the following verification:

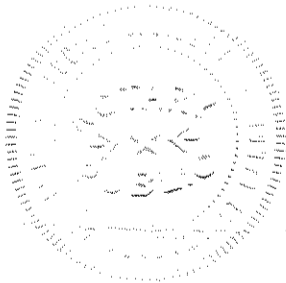
"State of Alabama
Marengo County

Before me, Lucile B. Gilley, a Notary Public in and for said State and County personally appeared Hugh A. Lloyd, who, having been duly sworn, deposes and states as follows: That he is one of the attorneys for the Respondent and is familiar with the facts set out in the above plea; and that said facts are true and correct.

Hugh A. Lloyd

Subscribed and sworn to before me this
the 30th day of April, 1957.

Lucile B. Gilley

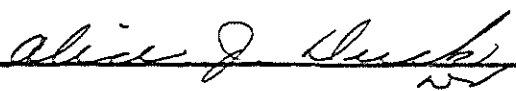


STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon COX WEBB to appear within thirty days from the service of this writ in the Circuit Court to be held for said county, Equity Side, at the place of holding same, and then and there answer the Bill of Complaint filed against him by J. V. HUDSON.

WITNESS my hand this 18th day of April, 1956.



As Register of the Circuit Court of
Baldwin County, Alabama, in Equity.

Respondent resides in
Demopolis, Alabama.

BILL OF COMPLAINT

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

J. V. Hudson presents this Bill of Complaint against Cox Webb and thereupon the complainant shows unto the court and your Honor as follows:

1. The complainant is over twenty-one years of age and a resident of Baldwin County, Alabama. The respondent is over twenty-one years and is a resident of Marengo County, Alabama.
2. The respondent, Cox Webb, owns or did own the motor cruiser formerly named "Carolyn", registered Number 19D825, which was on and prior to October 21, 1955, situated in Baldwin County, Alabama. Shortly prior to October 21, 1955, the respondent, Cox Webb, delivered the said boat to the complainant to be repaired by him and the complainant, pursuant to the instructions given to him by the said respondent, Cox Webb, repaired the said boat at Orange Beach in Baldwin County, Alabama, which repairs were completed on, to-wit, October 21, 1955.
3. Two Hundred Fifty Dollars (\$250.00) is the reasonable value of the work done and materials furnished by the complainant in repairing the said boat, and the complainant further alleges that on, to-wit, October 21, 1955, the respondent, Cox Webb, gave him a check for \$250.00 drawn by Cox Webb on the First National Bank, Mobile, Alabama. After giving the said check to the complainant, the respondent, Cox Webb, stopped payment thereon.
4. On, to-wit, April 17, 1956, the complainant filed in the office of the Probate Judge of Baldwin County, Alabama, a statement of lien, a copy of which is hereto attached marked "Exhibit A", and by reference made a part hereof as though fully incorporated herein.
5. The complainant claims of the respondent, Cox Webb, Two Hundred Fifty Dollars (\$250.00) due from him for work and labor done for the respondent by the complainant on, to-wit, the 21st day of October, 1955, at his request, which sum of money with interest thereon is still due and unpaid.

PRAYER FOR PROCESS

Complainant prays that the usual process of this Honorable Court will forthwith issue to the respondent requiring him to appear and plead, answer or demur to the Bill of Complaint filed against him in this cause within the time required by law.

PRAYER FOR RELIEF

Complainant prays for the following separate and several relief:

A. That it be Ordered, Adjudged and Decreed that the respondent, Cox Webb, is indebted to the complainant in the sum of \$250.00, together with interest thereon from the 21st day of October, 1955, at six percent (6%).

B. That it be Ordered, Adjudged and Decreed that the complainant has a lien on the above described boat for the amount due him and that the said boat be ordered sold in the manner provided by Title 33, Section 38 of the 1940 Code of Alabama, unless the amount due the complainant is paid.

C. Complainant further prays for such other, further and general relief as he may be equitably entitled to, the premises considered.


Solicitor for complainant.

EXHIBIT A

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

J. V. Hudson files this statement in writing, verified by the oath of J. V. Hudson, who has personal knowledge of the facts herein set forth:

That the said J. V. Hudson claims a lien upon the following described property formerly situated in Baldwin County, Alabama, to-wit:

The motor cruiser, Number 19D825, formerly named "Carolyn".

This lien is claimed on the entire boat.

The said lien is claimed to secure an indebtedness of Two Hundred Fifty Dollars (\$250.00) with interest from, to-wit, the 21st day of October, 1955, for work and labor done by J. V. Hudson on the said boat in Baldwin County, Alabama.

The name of the owner or proprietor of the said property is Cox Webb.

(S) J. V. HUDSON

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

Before me, Mary Lou Blackburn, a Notary Public, in and for said County of Baldwin, State of Alabama, personally appeared J. V. Hudson, who, being duly sworn, doth depose and say: That he has personal knowledge of the facts set forth in the foregoing statement of lien and that the same are true and correct to the best of his knowledge and belief.

(S) J. V. HUDSON

Sworn to and subscribed before me on this the 3rd day of January, 1956, by said affiant.

(S) MARY LOU BLACKBURN

Notary Public, Baldwin County, Alabama

J. V. HUDSON,)	
	:	
Complainant)	IN THE CIRCUIT COURT OF
	:	BALDWIN COUNTY, ALABAMA
-vs-)	
	:	IN EQUITY Case No. 3772
Cox Webb,)	
Respondent	:	
)	

PLEA IN ABATEMENT

Comes the Respondent and appearing specially for this plea and for no other, says that Respondent was and is a bona fide resident of Marengo County, Alabama; and that the Respondent was not and is not a resident of Baldwin County, Alabama, wherefore the Respondent says that the Circuit Court of Baldwin County, Alabama, is without jurisdiction in the premises.

And Respondent further avers that he was a bona fide resident of Marengo County, Alabama on the 21st day of October, 1955.

FILED

Nov 21 1956

ALICE J. DUCK, Register

LLOYD & DINNING

By: *W. B. Lloyd*
Solicitors for Respondent

J. V. HUDSON,
Complainant

vs

COX WEBB,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
Case No. 3772

DECREE

IT is ORDERED, ADJUDGED and DECREED that this cause
is dismissed and settled, costs having been paid.

Done this 30 day of July, 1957.

Hubert M. J. Hall

Judge, 28th Judicial Circuit

H.A.LLOYD

W.W.DINNING
CITY ATTORNEY

LLOYD & DINNING

ATTORNEYS AT LAW
DEMOPOLIS, ALABAMA
TELEPHONE 556

May 23, 1956

Mrs. Alice J. Duck
Register of Circuit Court
Baldwin County
Bay Minette, Alabama

Re: J. V. Hudson vs. Cox Webb
Case No. 3772

Dear Mrs. Duck:

We are enclosing plea in abatement which we shall appreciate
your filing in the above case.

Very truly yours,

LLOYD & DINNING

BY *H. A. Lloyd*

HAL/jme

Encl.