

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

CASE NO. 18038 - BOLLING

HAMILTON, DENNISTON, BUTLER & RIDDICK  
BY: OLIVER J. LATOUR, JR.

J.A. MILLER

N.J.

*Chason, Stone & Chason*

VS. Suit for \$667.66 due by promissory note,  
Attorney's fee \$125.00 (WAIVER)

WILTERS, BRANTLEY & NESBIT  
BY: (MRS.) PHYLLIS S. NESBIT  
P.O. Box 555  
Rebertsdale, Alabama

SILAS EDWARD LASSITTER

N.J.

PLEADINGS, PROCESS, ETC. \* FILING DATE

1. Complaint and Summons 12-30-65
2. Verified Plea in Abate-  
ment 1-26-66
3. Demurrer (Pltff's) 2-1-66
4. Amended Verified  
Plea in Abatement 2-10-66

C & S served on Defendant on January 4, 1966.

Plaintiff's demurrer filed February 1, 1966, to Defendant's Plea in  
Abatement.

February 4, 1966 - Hearing on Plea in Abatement passed to February 18, 1966.

William D. Bolling  
Judge

February 18, 1966- Plea in Abatement Sustained and Case ordered transferred to  
Circuit Court of Baldwin County.

William D. Bolling  
Judge

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 21st day of February, 1966.

*John E. Mandeville*, Clerk.

FEB 23 1966

ALICE L. DICK, CLERK  
RECORDED

J. A. MILLER,	*	IN THE CIRCUIT COURT OF
Plaintiff	*	MOBILE COUNTY, ALABAMA
-vs-	*	AT LAW
SILAS EDWARD LASSITTER,	*	
Defendant	*	CASE NO. <u>18038</u>

COUNT ONE

The Plaintiff claims of the Defendant the sum of, to-wit, SIX HUNDRED SIXTY-SEVEN AND 66/100 (\$667.66) DOLLARS, balance due by promissory note made by the Defendant on, to-wit, May 22, 1965 and payable in twelve (12) installments beginning on, to-wit, June 19, 1965, said note which was payable to the order of The American National Bank & Trust Company of Mobile was negotiated and assigned to the Plaintiff herein in writing by the said The American National Bank & Trust Company of Mobile for which a valuable consideration has been paid. Plaintiff further alleges that in said note, and as a part of the consideration thereof, the Defendant agreed that in the event of default in the payment of any one of said installments when due, the holder of said note shall have the right to declare the entire indebtedness immediately due and payable, and the Plaintiff alleges that there has been a default in the payment of said installments and the Plaintiff has elected to declare the entire indebtedness immediately due and payable.

Plaintiff further alleges that in said note and as a part of the consideration thereof, the Defendant waived all rights of exemption under the Constitution and Laws of the State of Alabama, and agreed to pay all costs of collecting or securing or attempting to collect or secure said note, including a reasonable attorney's fee, which attorney's fee the Plaintiff alleges to be ONE HUNDRED TWENTY-FIVE AND NO/100 (\$125.00) DOLLARS, which

further sum the Plaintiff claims of the Defendant.

COUNT TWO

Plaintiff claims of the Defendant the sum of SIX HUNDRED SIXTY-SEVEN AND 66/100 (\$667.66) DOLLARS, balance due by promissory note made by the Defendant on, to-wit, May 22, 1965, and payable to the order of The American National Bank & Trust Company of Mobile in twelve (12) installments beginning on, to-wit, June 19, 1965. Plaintiff further alleges that in said note, and as a part of the consideration thereof, the Defendant agreed that in the event of default in the payment of any one of said installments when due, the holder of said note shall have the right to declare the entire indebtedness immediately due and payable, the Plaintiff alleges that there has been a default in the payment of said installments, and the entire indebtedness has been declared due and payable. Plaintiff further alleges that he was an endorser on the said note for the Defendant, said endorsement being made at the time of making of the note in order to lend Plaintiff's credit thereto, and Plaintiff avers that he is the holder of said note, having paid the balance thereon to The American National Bank & Trust Company of Mobile on, to-wit, November, 1965 after it made demand therefor from Plaintiff. Plaintiff avers that he has called upon the Defendant to pay the balance due thereon but Defendant has failed and refused to do so.

Plaintiff further alleges that in said note and as a part of the consideration thereof, the Defendant waived all rights of exemption under the Constitution and Laws of the State of Alabama, and agreed to pay all costs of collecting or securing or attempting to collect or secure said note including a reasonable

attorney's fee, which attorney's fee the Plaintiff alleges to be ONE HUNDRED TWENTY-FIVE AND NO/100 (\$125.00) DOLLARS, which further sum the Plaintiff claims of the Defendant.

HAMILTON, DENNISTON, BUTLER & RIDDICK

BY: 

Trial Attorney for Plaintiff

The Defendant may be served at:  
His place of employment:  
Alabama Dry Docks & Shipbuilding Corporation  
Mobile, Alabama

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

Dec 30 2 27 PM '05

  
CLERK

THE STATE OF ALABAMA  
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:  
You are hereby commanded to summon

SILAS EDWARD LASSITTER

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

J. A. MILLER

WITNESS: John E. Mandeville, Clerk of said Court, this 30th day of December, 1965

Attest: John E. Mandeville  
Clerk

SHERIFF'S RETURN

Received 30 day of Dec, 1965 and on 4 Day  
of Jan, 1966, I served a copy of  
the within C & S on  
by service on Silas Edward Lassiter

RAY D. BRIDGES, SHERIFF

By C. J. Fitzpatrick D.S.

REC'D. SHERIFF DEPT.  
MOBILE COUNTY, ALA.  
DEC 30 4 37 PM '65  
BY \_\_\_\_\_

No. 18038 - B

JUDGE Wd DOCKET

CIVIL DIVISION

**CIRCUIT COURT**  
MOBILE COUNTY

J. A. MILLER

VS.

} Complaint and Summons

1-48  
pd STIAS EDWARD LASSITTER

Issued 30th day of December, 1965

Defendant's Address

Employment:  
Alabama Dry Docks & Shipbuilding  
Corp.  
mobile, Alabama

OLIVER J. LATOUR, JR.

Plaintiff's Attorney

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

LAW OFFICES OF  
WILTERS, BRANTLEY & NESBIT  
P. O. BOX 555  
ROBERTSDALE, ALABAMA 36567  
P. O. BOX 327  
BAY MINETTE, ALABAMA 36507

PHONES  
ROBERTSDALE 947-4682  
BAY MINETTE 937-6721

January 25, 1966

18038 B

Mr. John Mandeville, Clerk  
Circuit Court of Mobile County  
Mobile, Alabama

Re: J. A. Miller  
Vs: Silas Edward Lassiter

Dear Mr. Mandeville:

Enclosed you will find a Verified Plea and Abatement and a copy for Oliver J. Latour, Jr., attorney for the Plaintiff, which I am filing for the Defendant in the above styled cause.

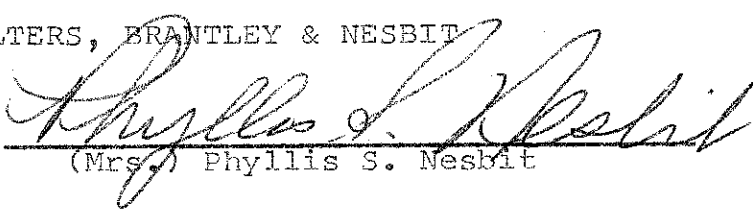
Will you please inform me the day this case is set down for the hearing of the pleadings, because I am not familiar with the time schedule of pleadings in the Circuit Court of Mobile County.

Your cooperation in this matter will be greatly appreciated.

Sincerely yours,

WILTERS, BRANTLEY & NESBIT

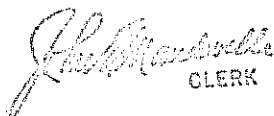
By:

  
(Mrs.) Phyllis S. Nesbit

PSN:fp  
Enclosures

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

JAN 26 11 15 AM '66

  
CLERK

J. A. MILLER,	I	IN THE CIRCUIT COURT OF
PLAINTIFF	I	MOBILE COUNTY, ALABAMA
VS	I	AT LAW
SILAS EDWARD LASSITER,	I	NO. <u>18038 B</u>
DEFENDANT	I	

VERIFIED  
PLEA IN ABATEMENT

Comes now the Defendant, Silas Edward Lassiter, resident citizen of Baldwin County, Alabama, and files this, his special plea to the jurisdiction of this Court in the above styled cause, to the complaint filed against him by the Plaintiff on, to-wit: the 30th day of December, 1965, and says, that the Plaintiff cannot maintain said cause against him in this Court, the Defendant enters this plea in said cause for the only and sole purpose of pleading to the jurisdiction of this Court.

Silas Edward Lassiter

STATE OF ALABAMA

BALDWIN COUNTY

Before me Flarence Drake, a Notary Public, in and for said County in said State, personally appeared Silas Edward Lassiter, who having been by me first duly sworn, deposes and says that he has read the foregoing plea in abatement and that the facts stated therein are true.

Silas Edward Lassiter

Sworn to and subscribed before me on this the 24th day of January, 1966.

Flarence Drake  
Notary Public

WILTERS, BRANTLEY & NESBIT  
Attorneys  
Robertsdale, Alabama

STATE OF ALABAMA  
I CERTIFY THIS PLEADING  
WAS FILED ON

JAN 26 11 35 AM '66

121

Robert M. ...  
CLERK

copy: Oliver L. Latour



J. A. MILLER,	*	IN THE CIRCUIT COURT OF
Plaintiff	*	MOBILE COUNTY, ALABAMA
-vs-	*	AT LAW
SILAS EDWARD LASSITER,	*	
Defendant	*	NO. <u>1 8 0 3 8 B</u>

DEMURRER TO PLEA IN ABATEMENT

Comes now the Plaintiff in the above styled cause and demurs to the Plea in Abatement heretofore filed herein and as grounds therefor sets down and assigns the following, separately and severally, to-wit:

1. For that it does not affirmatively appear therein that the Defendant has a permanent residence in Alabama.
2. For that it does not affirmatively appear therein that the Defendant's permanent residence is in Baldwin County, Alabama.
3. For aught that appears therein the Defendant does not have a permanent residence in the State of Alabama.
4. For aught that appears the Defendant did not maintain a permanent residence in Baldwin County, Alabama, on December 30, 1965.

HAMILTON, DENNISTON, BUTLER & RIDDICK

BY: [Signature]  
Trial Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 31st day of January, 1966, 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, with first class postage prepaid.

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

FEB 1 4 06 PM '66

[Signature]  
CLERK

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

LAW OFFICES OF  
WILTERS, BRANTLEY & NESBIT  
P. O. BOX 555  
ROBERTSDALE, ALABAMA 36567  
P. O. BOX 327  
BAY MINETTE, ALABAMA 36507

PHONES  
ROBERTSDALE 947-4682  
BAY MINETTE 937-6721

February 9, 1966

Mr. John Mandeville, Clerk  
Circuit Court of Mobile County  
Mobile, Alabama

Re: J. A. Miller  
vs  
Silas Edward Lassiter  
Case No. 18038 - B

Dear Mr. Mandeville:

Please file this amended Verified Plea in Abatement  
in the above styled cause.

Sincerely yours,

WILTERS, BRANTLEY & NESBIT

By: Phyllis S. Nesbit  
(Mrs.) Phyllis S. Nesbit

PSN:fp  
Enclosure

J. A. MILLER,	I	IN THE CIRCUIT COURT OF
PLAINTIFF	I	MOBILE COUNTY, ALABAMA
VS	I	AT LAW
SILAS EDWARD LASSITER,	I	
DEFENDANT	I	NO. <u>18038</u>

AMENDED

VERIFIED PLEA IN ABATEMENT

Comes now the Defendant, Silas Edward Lassiter, a permanent resident citizen of Baldwin County, Alabama, residing on Route #1 - Loxley, Alabama and files this, his special plea to the jurisdiction of this Court in the above styled cause, to the complaint filed against him by the Plaintiff on, to-wit; the 30th day of December, 1965, and says, that the Plaintiff cannot maintain said cause against him in this Court, the Defendant enters this plea in said cause for the only and sole purpose of pleading to the jurisdiction of this Court.

\* Silas Edward Lassiter

STATE OF ALABAMA

BALDWIN COUNTY

Before me Florence Brack, a Notary Public, in and for said County in said State, personally appeared Silas Edward Lassiter, who having been by me first duly sworn, deposes and says that he has read the foregoing Plea in Abatement and that the facts stated therein are true.

\* Silas Edward Lassiter

Sworn to and subscribed before me on this the 9th day of February, 1966.

Florence Brack  
Notary Public

I hereby certify that I have served a copy of the foregoing to Oliver J. Latour, Jr., by depositing a copy thereof in the United States Mail, at Robertsdale, Alabama, postage prepaid, on this 9th day of February, 1966.

STATE OF ALABAMA  
COUNTY OF BALDWIN  
WAS FILED ON

FEB 13 9 43 AM '66

John J. Brack  
CLERK

WILTERS, BRANTLEY & NESBIT

By: Phillip L. Nesbit  
Attorney for Plaintiff

FRIDAY, FEBRUARY 18, 1966

J.A. MILLER	)	PLEA IN ABATEMENT SUSTAINED,
BOLLING     -vs-     18038	)	AND CASE ORDERED TRANSFERRED
SILAS EDWARD LASSITTER	)	TO CIRCUIT COURT OF BALDWIN
	)	COUNTY

This day in open Court came the parties by their attorneys, and Defendant's Plea in Abatement filed January 26, 1966, and Amended Plea in Abatement filed February 10, 1966, 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 January 26, 1966, and amended plea in Abatement filed February 10, 1966, in this cause be, and the same is hereby sustained, and case ordered transferred to Circuit Court of Baldwin County.

Minute Book 33-  
Page 242

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 18th day of February, 1966, in the cause  
entitled No. 18038 - BOLLING - J.A. MILLER

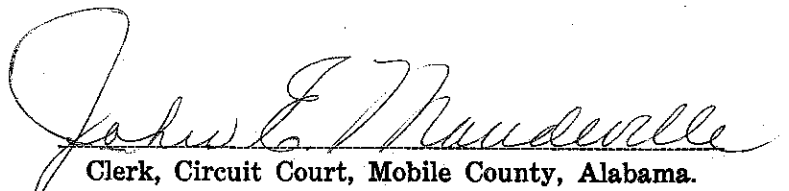
\_\_\_\_\_, Plaintiff,

— versus — SILAS EDWARD LASSITTER

Defendant, (~~Together with the cancellation thereof~~), as the same remains of record in this office in  
Minute Book No. 33, Page No. 242.

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 21st day of February, 1966.

ATTEST:

  
Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

J.A. MILLER

Plaintiff

No. 18038

VS.

SILAS EDWARD LASSITTER

Defendant

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

BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)  
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES	Pltff.	Deft.	SHERIFF'S FEES	Pltff.	Deft.
Suits for \$100 or less .....\$ 6.00			Serving Summons & Complaint .....\$ 1.50	1 50	
Suits for over \$100 but less than \$1,000 ..... 10.00	10 00		Serving Writ of Garnishment ..... 1.50		
Suits for \$1,000 and over ..... 20.00			Serving Sci Fa.-Notices ..... 1.50		
Suits in detinue, ejectment, etc. .... 10.00			Levyng Attachment & Return ..... 6.25		
Suits not otherwise provided ..... 10.00			Executing Writ Possession ..... 5.00		
Writs, Mandamus, Prohibition, etc. .... 15.00			Seizing personal property under Writ of Detinue ..... 6.00		
Appeals from Court General Sessions ..... 15.00			Serving subpoenas, each ..... .75		
Appeals from Probate Court ..... 20.00			Impanelling Jury ..... .75		
Appeals from JP Courts ..... 6.00			Taking & Approving Bond ..... 2.00		
Appeals from State Dept of Pub. Safety, and other State Agencies ..... 10.00			Collecting Costs Execution ..... 1.50		
Workmen's Compensation Settle. .... 10.00			Serving Contempt Writ ..... 1.50		
Garnishment on Judgment ..... 6.00			Making Deed for Property sold ..... 2.50		
Order of Sale, Motions to sell. .... 6.00			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$		
Recording executions from State Agencies ..... 3.00					
Cert. Copy of Record - per 100 words ..... .15			Total ..... \$	1 50	
Taking Appeal Bond ..... .75					
Record for Supreme Court etc., per 100 words ..... .15			RECAPITULATION		
Add'l Copies of Record for Supreme Court, per 100 words ..... .05			Clerk ..... 10 00		
Checking - including Reporters Transcript of Evidence ..... 10.00			Sheriff ..... 1 50		
Certifying Abstract in lieu of Transcript on Appeal ..... 5.00			Inferior Civil Court .....		
Collecting Money on Judgments over 30 days old, ½ the per- centage allowed Sheriffs ..... \$			Justice Peace fees .....		
			Witness fees .....		
			Commissioner's fees .....		
			<del>Attorney's</del> of Judgment ..... 80		
			Judgment .....		
			10% Damages .....		
			Interest .....		
			Stenographer's fees (\$10.00 Day) .....		
			Library fee ..... 1.50	1 50	
			Trial Tax (County) ..... 1.50	1 50	
			Trial Tax (State) ..... 1.50	1 50	
			Advertisement .....		
			Garnishee's fees .....		
Total .....\$	10 00				

\$16.80

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.

JOHN E. MANDEVILLE, Clerk

J. A. MILLER,

Plaintiff

Vs

SILAS EDWARD LASSITER,

Defendant

I  
I  
I  
I  
I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6875

Comes now the Defendant in the above styled cause and for answer to the Bill of Complaint says:

1.

Not guilty.

2.

Comes now the Defendant, Silas Edward Lassiter, and for answer to the Bill of Complaint says, that he has paid the debt or demand for which this suit was brought, before this action was commenced.

Silas Edward Lassiter  
Defendant

WILTERS, BRANTLEY & NESBIT

By:

Thos S. Nesbit  
Attorney for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Flurence Brakle, a Notary Public, in and for said County, in said State, personally appeared Silas Edward Lassiter, who being known to me, and by me first duly sworn, deposes and says on oath: That he is the Defendant in the above entitled cause and has personal knowledge of the facts stated in the foregoing Answer and that the said statements of fact therein contained are true.

Silas Edward Lassiter

Sworn to and subscribed before me this 26th day of February, 1966.

Flurence Brakle  
Notary Public

Defendant demands a trial by jury.

WILTERS, BRANTLEY & NESBIT

BY:

Thos S. Nesbit  
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 3rd day of March, 1966 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:

Thos S. Nesbit