DR. F. A. WEBB,

Plaintiff.

Defendant.

vs.

G. M. HALL,

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. AT LAW. NUMBER\_\_\_\_\_

# MOTION TO QUASH.

7, 1

Comes G. M. Hall, named as the Defendant in the above entitled cause and appears solely for the purpose of this motion, and without making a general appearance, and expressly limits this his special appearance to the purpose of making this motion to quash the summons and to set aside or quash the attempted service of process upon him in this cause, and for grounds for this motion sets down and assigns, separately and severally the following:

1. Because the summons issued by the Clerk of this Court in this cause is not accompanied by a Complaint signed by the Plaintiff herein or Plaintiff's attorney.

2. Because the purported Complaint filed or attempted to be filed in this cause is not signed by the Plaintiff or his attorney.

3. Because no Complaint as required by law has been filed by the Plaintiff herein on which the Clerk of this Court was authorized by haw to issue a summons to this Defendant.

4. Because the Sheriff's return of service on Defendant of the said purported Complaint in this cause is illegal and invalid in that the said purported Complaint and the copy thereof served on this Defendant is not signed by Plaintiff or his Attorney.

5. Because the Sheriff's return in this cause is illegal and invalid.

Defendant therefore, appearing specially as aforesaid, moves the Court to quash the said summons issued herein to this Defendant and to set aside or quash the service of process in this cause on Defendant herein.

Tola Lo

As Attorney appearing specially as above stated for Defendant, G. M. Hall.

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STATE OF ALABAMA BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared J. B. Blackburn, who, being first duly sworn, deposes and says that he is attorney, appearing only specially as aforesaid, for G. M. Hall, and that he, the said J. B. Blackburn, has been informed and believes, and upon such information and belief states that the allegations of the foregoing motion are true.

Sworn to and subscribed before me/ on this the 30th day of June, 1938.

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Vincan Notary Public, Baldwin County, Alabama.

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 Filed on this the 30th

 1938.
G. M. HALL VS. DR. BALDWIN COUNTY, ALABAMA. AT LAW. IN THE CIRCUIT COURT OF • • A. WEBB, MOTION TO QUASH. RECORDED Plaintiff, Defendant. NUMBER 4/3-2/ day of June Duch 8-249 73 (P (P X)) and the second <u>e Strangela</u> 1

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		The State of Alabama, BALDWIN COUNTY BALDWIN COUNTY I hereby certify that the within and costs in this case are correct, and there was waiver of exemption as to personal property under the Constitution and Laws of Alabama.	L94. Clerk,		
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STATE OF ALABAMA

## TO ANY SHERIFF OF THE STATE OF ALABAMA.

You are hereby commanded to summon G. M. Hall to appear within thirty days from the serving of this writ in the Circuit Court, to be held for said County, at the place of holding the same, then and there to answer the complaint of Dr. F. A. Webb. Witnessed my hand this 25th day of May, 1938.

aldwin County, Alabama.

DR. F. A. WEBB, Plaintiff, -VS-G. M. HALL,

Defendant. 1

## COUNT ONE

Plaintiff claims of the Defendant the sum of FIFTY-FIVE AND NO/100 (\$55.00) DOLLARS due from him by that certain promissory note, executed by the Defendant, on to-wit, May 25, 1951, payable one year from date, which sum of money together with the interest thereon is due and still unpaid.

And Plaintiff avers that by the terms of said note the Defendant agreed to pay a reasonable attorney's fee attendant upon the collection thereof and waived his right to exemption as to personal property; wherefore Plaintiff further claims of the Defendant the other and further sum of TWENTY-FIVE AND NO/100 (\$25.00) DOLLARS as reasonable attorney's fee in this cause, and prays a

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judgment with a waive of exemption as to personal

property.

#### COUNT TWO

Plaintiff claims of the Defendant the sum of FIFTY-FIVE AND NO/100 (\$55.00) DOLLARS, due from him by that certain promissory note, executed by the Defendant, on to-wit, May 25, 1931, in words and figures as follows:

No.\_\_\_\_\_\_\_Mobile, Ala., May 25, 1931 In small payments AFTER DATE, WITHOUT GRACE I PROMISE TO PAY TO THE ORDER OF Dr. F. A. Webb \$55.00 FIFTY-FIVE AND NO/100-----DOLLARS For Value Received, Payable at the FIRST NATIONAL BANK Mobile, Alabama

The Parties to this Instrument, whether Maker, Endorser, Surety, or Guarantor, each for himself, hereby severally agrees to pay this Note and waives as to this debt all right of exemption, under the Constitution and Laws of Alabama, or any other State, and they each severally agree to pay all costs of collecting, or securing, or attempting to collect or secure this Note, including a reasonable Attorney's fee, whether the same be collected or secured by suit or otherwise, and the Maker, Endorser, Surety or Guarantor of this Note severally waives Demand, Presentment, Protest, Notice of Protest, Suit and all other requirements necessary to hold them.

(Signed) G. M. HALL

To be taken up	
within 1 year from	TENSAW, ALABAMA.
date.	

Due

Address

Which sum of money together with the interest thereon is due and still unpaid.

#### COUNT THREE

Plaintiff claims of the Defendant the sum of TWENTY-FIVE AND NO/100 (\$25.00) DOLLARS as reasonable attorney's fee under the terms of the note described in COUNT TWO hereof, which description is made a part of this count as though the same was set forth in this count.

Defendant's address is Tensaw, Alabama.

96654 i. P 100 RECORDED Ju Duck 8-239 DR. F. M. WEBB, Plaintiff, G, M. HALL, Defendant MUL 24-19 SUMMONS & COMPLAINT . VS. A 000 199 J ky werving copy of within Summons age Sher acco Deputy Sheri un F. x souted May 30 U Ill

DR. F. A. WEBB, [ IN THE CIRCUIT COURT OF Plaintiff, 🕴 BALDWIN COUNTY, ALABAMA.

-VS-

G. M. H.LL,

# Defendant.

Comes the Plaintiff in the above styled cause by and through his attorney, Alvin McConnell, and with leave of Court first had and obtained, amends his complaint heretofore filed by adding to the same the signature of his attorney, so that the amended complaint shall read according to the amendment filed herewith and attached hereto.

alvin M-Connell

DR. F. A. WEBB, Plaintiff, -VS-G. M. HALL, Defendant.

BALDWIN COUNTY, ALABAMA.

COUNT ONE

Plaintiff claims of the Defendant the sum of FIFTY-FIVE AND NO/100 (\$55.00) DOLLARS due from him by that certain promissory note, executed by the Defendant, on to-wit, May 25, 1931, payable one year from date, which sum of money together with the interest thereon is due and still unpaid.

And Plaintiff avers that by the terms of said note the Defendant agreed to pay a reasonable attorneys fee attendant upon the collection thereof and waived his right to exemption as to personal property; wherefore Plaintiff further claims of the Defendant the other and further sum of TWENTY-FIVE AND NO/100 (\$25.00) DOLLARS as reasonable attorneys fee in this cause, and prays a judgment with a waive of exemptions as to personal property.

#### COUNT TWO

Plaintiff claims of the Defendant the sum of FIFTY-FIVE AND NO/100 (\$55.00) DOLLARS, due from him by that certain promissory note, executed by the Defendant, on to-wit, May 25, 1931, in words and figures as follows:

No. \_\_\_\_\_ Mobile, Ala., May 25, 1931 In small payments AFTER DATE, WITHOUT GRACE I PROMISE TO PAY TO THE ORDER OF Dr. F. A. Webb \$55.00 FIFTY-FIVE AND NO/100-----DOLLARS For value Received, Payable at the FIRST NATIONAL BANK Mobile, Alabama The Parties to this Instrument, whether Maker, Endorser, Surety, or Guarantor, each for himself, hereby severally agrees to pay this Note and waives as to this debt all right of exemption, under the Constitution and Laws of Alabama, or any other State, and they each severally agree to pay all costs of collecting, or securing, or attempting to collect or secure this Note, including a reasonable Attorney's fee, whether the same be collected or secured by suit or otherwise, and the Maker, Endorser, Surety or Guarantor of this Note severally waives Demand, Presentment, Protest, Notice of Protest, Suit and all other requirements necessary to hold them.

	(Signed)	)	G. M.	HALL
To be taken within 1 ye			TENSAW	, ALABAMA.
date.			•	
Due		Address		

Which sum of money together with the interest thereon is due and still unpaid.

#### COUNT THREE

Plaintiff claims of the Defendant the sum of TWENTY-FIVE AND NO/100 (\$25.00) DOLLARS as

reasonable attorney's fee under the terms of the note described in COUNT TWO hereof, which description is made a part of this count as though the same was set forth in this count.

