

529

LESLIE HALL
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

September 2, 1939

Hon. R. S. Duck
Circuit Court Clerk
Baldwin County
Bay Minette
Alabama

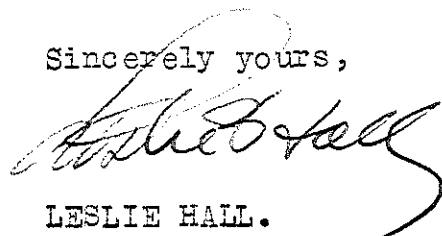
Re: The Pace Company vs. J. E. Gooden,
Non Jury, Civil File No. 529

Dear Sir:

As thirty days have elapsed since service in this case, and the defendant has not answered, I should appreciate your forwarding the papers to Judge F. W. Hare with request for Judgment by Default against the Defendant. I have figured that the judgment should be for \$446.03, which includes interest.

A verified statement of the account is attached to the complaint.

Sincerely yours,



LESLIE HALL.

LH/

THE STATE OF ALABAMA
BALDWIN COUNTY

No. 529

CIRCUIT COURT

Judgment _____ Term, 193_____

VS.

DEAR SIRS: At the _____ Term, 193____, of the Circuit Court of said County,

recovered a judgment against _____
for the sum of _____ Dollars
besides _____ Dollars, cost of suit, and execution
was duly issued thereon, commanding any Sheriff of the State that he cause to be made of the goods and chattels, land and tene-
ments of said _____

the amount of the judgment and costs, and the Sheriff has returned said exception indorsed, "No Property Found," and the costs have never been paid. In order to save you the additional expense of an execution against you, I herewith inclose an itemized statement of the costs which have accrued in said cause, and respectfully request that you will, on receipt of this, remit the amount. If I do not hear from you in a few days I will forward the execution to the Sheriff of your County for collection.

Respectfully yours, _____, Clerk.

CLERK'S FEES		@	Amount	SHERIFF'S FEES		@	Amount
1	Issuing Summons and Complaint,	\$1.25		1	Levying Attachment,	\$3.00	
2	Issuing copies thereof,	30	1 25	2	Entering and returning Attachment,	25	
3	Making every copy thereof, when over 200 words, per 100 words	15	30	3	Summoning garnishee and return,	1.50	1 50
4	Entering Sheriff's return or copy thereof	20	20	4	Serving Summons and Return,	1.50	
5	Docketing cause, to be charged but once,	25	25	5	Serving Subpoenas,	.65	
6	Entering Appearance	20	25	6	Impanelling jury,	.75	
7	Filing pleas, demurrer and other pleadings, for each,	10	20	7	Making deed,	2.50	
8	Every trial, with or without jury, and its incidents, not including judgments by default, or nil dicit,	75	10	8	Serving Summons, forcible entry, etc.,	1.50	
9	Entering Continuance, (each)	10	75	9	Executing writ of restitution or possession,	5.00	
10	Entering Judgment, (each)	30	30	10	Collecting, execution for cost	1.50	
11	Entering any other order of Court (each)	30	30	11	Serving Sci. Fa. notices, etc.,	1.50	
12	Issuing Scire Facias, or notice in the nature thereof, (each)	75		12	Serving any summons not provided for and return,	1.50	
13	Issuing Execution or copy thereof; (each)	50		13	Serving attachment for contempt,	1.50	
14	Entering return, or copy thereof, for each 100 words, 15 cents; but in no case less than	20		14	Taking and approving bond,	1.00	
15	Recording award of arbitrators, referees, auditors, etc., for each 100 words,	15		15	Seizing personal property in detinue,	3.00	
16	Issuing execution or attachment thereon, and entering return,	1.00		16	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00.		
17	Taking bond for certiorari supersedeas, or appeal, or copy thereof and filing same,	75		17	Selling property attached, same for selling under execution,		1 50
18	Issuing Subpoenas for Witness, (each)	30		18	Former Sheriff's fees,		
19	Administering an oath, not relating to a trial pending and certifying the same,	25					
20	Issuing Attachment and taking bond, (ea.)	1.00					
21	Filing papers in attachment, (each)	10					
22	Issuing Summons for garnishee, (each)	50					
23	Swearing and taking examination for Garnishee and recording same, for each 100 words	50					
24	Order to advertise, or order of survey, or copy thereof,	50					
25	Certificate of Judgment,	50	50		Total Sheriff's Fees,		
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than,	25			RECAPITULATION		
27	Issuing Commission to take depositions, or copy thereof,	75		1	Clerk's Fees,		6 86
28	Making copy of interrogatories accompanying commission,	50		2	Clerk's Fees,		1 50
29	Or for each 100 words,	15		3	Sheriff's Fees,		
30	Filing packages of depositions, (each)	10		4	Sheriff's Fees,		
31	Indorsing package of deposition, opened (each),	10		5	Witness Fees in Circuit Court,		
32	Issuing writ of ad quod damnum or writ in the nature thereof,	75		6	Justice of the Peace Fees,		
33	Recording the return and inquest thereon,	50		7	Witness Fees, in Justice of the Peace Court		
34	Or for each 100 words,	15		8	Commissioner's Fees,		
35	Issuing Writ of certiorari, prohibition, mandamus, or writ in the nature thereof,	75		9	Commissioner's Residence,		
36	Filing the same and entering return,	15		10	Constable's Fees		
37	Making a complete record of a cause or copy thereof, for each 100 words,	15	2 00	11	Garnishee's Fees,		
38	Making copy of any paper not herein provided for, for each 100 words,	15		12	Printer's Fees,		
39	Making each certificate requiring the seal of office, and affixing seal,	50		13	Stenographer's Fees,		3 00
40	Taking any bond not otherwise provided for,	75		14	Trial Tax,		
41	Making necessary certificates not otherwise provided for, (each witness),	25					
42	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code,	5.00					
43	Record for Supreme Court, for each 100 words	15					
44	Each additional copy thereof, each 100 words	05					
45	Collecting money on judgments wherein said judgment has not been paid within 30 days after rendition, one half the per cent allowed sheriffs for same services for collecting money on executions,		6 85		Total Fees,		11 35
	Total Clerk's Fees,			15	Judgment,		
				16	Date,		
				17	Interest,		
				18	Damages,		
					Total Judgment,		
					Interest and Damages,		
					Grand Total		

SUMMONS

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT
LAW SIDE
No. _____.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon J. E. GOODEN, of Fairhope, Baldwin County, Alabama, to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer to the complaint of THE PACE COMPANY, a Corporation.

Witness my hand this 25 day of July,
1939.

R S. Dush
Clerk of the Circuit Court,

by Pauline Thompson
as Deputy Clerk.

COMPLAINT

THE PACE COMPANY, a Corporation)
organized and existing under the :
Laws of the State of Florida,)
Plaintiff, :

At Law, No. _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

VS.

J. E. GOODEN,
Defendant.

Count One

The Plaintiff claims of the Defendant the sum of Four Hundred Twenty Eight and 89/100 Dollars (\$428.89) due from him by account on, to-wit: the 8th day of December, 1938, which sum of money, with interest thereon from, to-wit; the 8th day of December, 1938, is still due and unpaid; and the Plaintiff further alleges that a verified statement of said account is hereunto attached and is, by reference, made a part hereof, and that the said verified statement of account will be used as evidence against the said Defendant;

And the Plaintiff further alleges that it, the said Plaintiff, is a Corporation organized and existing under the Laws of the State of Florida; that at the time said account was made, and continuously since that time, and at the time of filing of this suit, the said Plaintiff was, had been, and is duly qualified to transact business in the State of Alabama in accordance with the statutes of said State of Alabama prescribing the conditions on which a foreign corporation might do business therein.

Count Two

The Plaintiff claims of the Defendant the sum of Four Hundred Twenty Eight and 89/100 Dollars (\$428.89) due from him by account STATED between the Plaintiff and the Defendant on, to-wit: the 8th day of December, 1938, which sum of money, with interest thereon from, to-wit: the 8th day of December, 1938, is still due and unpaid;

And the Plaintiff further alleges that it, the said

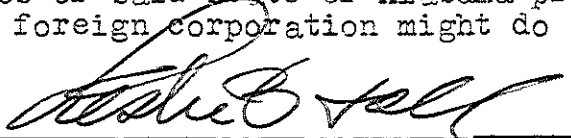
(page two)

Plaintiff, is a Corporation organized and existing under the Laws of the State of Florida; that at the time said account was made, and continuously since that time, and at the time of filing this suit, the said Plaintiff was, had been, and is duly qualified to transact business in the State of Alabama in accordance with the statutes of said State of Alabama prescribing the conditions on which a foreign corporation might do business therein.

COUNT THREE

The Plaintiff claims of the Defendant the sum of Four Hundred Twenty Eight and 89/100 Dollars (\$428.89) due from him for merchandise, goods, and chattels sold by the Plaintiff to the Defendant on, to-wit: January 15, 1938; January 22, 1938; February 5, 1938; February 12, 1938; February 19, 1938; February 26, 1938; March 5, 1938; March 12, 1938; March 12, 1938; March 19, 1938; March 26, 1938; April 2, 1938; April 9, 1938; April 16, 1938; April 23, 1938; May 30, 1938; May 7, 1938; June 22, 1938; June 24, 1938; July 2, 1938; July 9, 1938; and September 17, 1938; all together aggregating a bill of Six Hundred Ninety Six and 29/100 Dollars (\$696.29), against which latter sum the Plaintiff admits credits as follows, to-wit: June 28, 1938, \$30.00; June 29, 1938, \$14.85; July 5, 1938, \$35.00; July 12, 1938, \$39.55; July 19, 1938, \$5.00; July 30, 1938, \$5.00; August 1, 1938, \$5.00; August 13, 1938, \$5.00; August 20, 1938, \$5.00; August 27, 1938, \$5.00; September 3, 1938, \$5.00; September 9, 1938, \$9.00; September 23, 1938, \$5.00; September 29, 1938, \$5.00; October 7, 1938, \$4.00; October 15, 1938, \$10.00; October 21, 1938, \$10.00; October 22, 1938, \$5.00; October 29, 1938, \$5.00; November 5, 1938, \$15.00; November 12, 1938, \$15.00; November 26, 1938, \$15.00; December 8, 1938, \$15.00; all together aggregating a credit of Two Hundred Sixty Seven and 40/100 Dollars (\$267.40), leaving a balance due of Four Hundred Twenty Eight and 89/100 Dollars (\$428.89), which sum of money, with interest thereon from, to-wit: the 8th day of December, 1938, is still due and unpaid.

And the Plaintiff further alleges that it, the said Plaintiff, is a Corporation organized and existing under the Laws of the State of Florida; that at the time said account was made and at the time said merchandise, goods, and chattels were sold by the Plaintiff to the Defendant, and continuously since that time, and at the time of filing this suit, the said Plaintiff was, had been, and is duly qualified to transact business in the State of Alabama in accordance with the statutes of said State of Alabama prescribing the conditions on which a foreign corporation might do business therein.


LESLIE HALL, Attorney for the Plaintiff.

STATE OF FLORIDA

ESCAMBIA COUNTY

AFFIDAVIT OF CORRECTNESS OF ACCOUNT

Before me, ERNEST H. LARGUE, a Notary Public in and for said County in said State, personally appeared B. V. HOLLAND, who is known to me, and who, being by me first duly and legally sworn to tell the truth and nothing but the truth, deposes and says:

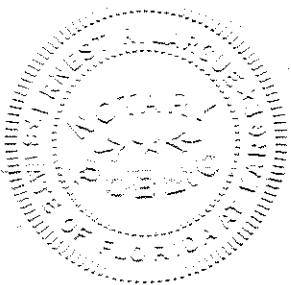
That he is Credit Manager for the firm of The Pace Company, a Corporation; that the annexed statement of the account of said firm against J. E. GOODEN is a matter of which he has personal knowledge; that as such Credit Manager, he has personal knowledge of the correctness of said account; that said account is just, true, and correct; that there is now due on said account the sum of Four Hundred Twenty-Eight and 89/100 Dollars (\$428.89), after deducting all credits, set-offs, and counterclaims; and that the said account is still due and unpaid.

B. V. Holland

Sworn to and subscribed before me this 19th day of July, 1939.

Ernest H. Lague
Notary Public, Escambia County, Florida

EXPIRATION DATE
DEC. 7, 1940



At Law, No. 534.

Y. H. H.

THE PACE COMPANY, A Corporation,
Plaintiff,

vs.

J. E. GODDEN,
Defendant.

SUMMONS AND COMPLAINT

ON ACCOUNT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Filed in office this 25
day of July, 1938.

R. S. Buck
Clerk.

by Leslie Hall
As Deputy Clerk.

LESLIE HALL
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

RECORDED

7-31

Executed
by serving copy of within Summons.
Complaint on

J. E. Godden

John Adams
Deputy Sheriff