

618

EBEN E. NELSON, doing business
as
NELSON RADIO & SUPPLY COMPANY,
Plaintiff,

vs.

A. L. McCUE,

Defendant.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA
AT LAW

AFFIDAVIT

STATE OF ALABAMA
BALDWIN COUNTY

a NPE & GP Before me, J. M. Franklin
in and for said County in said
State, personally appeared LESLIE HALL, who, being duly sworn,
deposes and says:

I am one of the attorneys of record for the
Plaintiff in the above styled cause. The Defendant's having de-
faulted in making appearance or filing pleadings in said cause,
I, the said Leslie Hall, do hereby state on information and belief
that the Defendant is actively engaged in business in Fairhope,
Baldwin County, Alabama; that the Defendant is not in military
service of the United States, as defined by the Soldiers' and
Sailors' Civil Relief Act of 1940, (Public No. 861, 76th Congress),
Article I, Section 101 (1).

Leslie Hall
Affiant.

Sworn to and subscribed before me this 13th day of December, 1940.

J. M. Franklin NPE & GP
Baldwin County, Ala.

EBEN E. NELSON, doing
business as NELSON RADIO
& SUPPLY COMPANY,
Plaintiff,

vs.

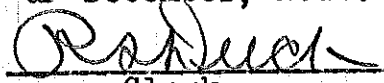
A. L. McCUE,
Defendant.

AFFIDAVIT OF NON-MILITARY
SERVICE.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Filed in office this 18th
day of December, 1940.


Clerk.

The State of Alabama,

No. 618

CIRCUIT COURT

Baldwin County.

March Term, 1941

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED, That of the goods and chattels, lands and tenements of

you cause to be made the sum of Two Hundred Forty Two + 47/100 (\$242.47) DOLLARS,
which E. L. E. Nelson, doing business as Nelson Radio & Supply Co., Plaintiff,
recovered of A. L. Mc Cue Defendant,

on the 21st day of December, 1941, by the Judgment of our Circuit Court held for the County of
Baldwin, besides the sum of Eleven + 85/100 (\$11.85) DOLLARS,
costs of suit, and have the same to render to the said _____, and make return of this Writ and
the execution thereof, according to law.

Interest from _____, 19____, to _____, 19____.

Witness, my hand this 13th day of March, 1941.R. S. Dush, Clerk.

CLERK'S FEES			AMOUNT	SHERIFF'S FEES			AMOUNT
Issuing.....	Summons and Complaint.....	\$1.25	1.25	Serving and Returning.....	Summons.....	\$1.50	1.50
Issuing.....	copies of same.....	.30	30	Serving and Returning.....	Writs.....	1.30	
Issuing.....	Branch Summons and Complaint.....	1.25		Serving and Returning.....	Subpoenas for.....	Wit. .65	
Issuing.....	copies of same.....	.30		Levying.....	Attachment.....	3.00	
Entering.....	Sheriff's Return or copy of above.....	.20	20	Entering and Returning.....	Attachment.....	.25	
Docketing Cause.....		.25	25	Summoning and Returning.....	Garnishee.....	1.50	
Entering.....	Appearances.....	.20		Serving and Returning.....	Sci. Fas. Notices.....	1.50	
Filing.....	Pleas.....	Demurrers.....	.10	10	Impaneling Jury.....		.75
	Affidavits, Certified.....	.25		Collecting Cost, Execution.....		1.50	1.50
	Commissions to take Depositions.....	.75		Taking and Approving.....	Replevin Bonds.....	1.00	
	copies of Interrogatories.....				Claim Bonds.....	1.00	
	Notices of Filing Interrogatories.....	.50			Garnishment Bonds.....	.75	
Filing.....	Packages of Depositions.....	.10			Forthcoming Bonds.....	1.00	
Inclosing.....	Packages of Depositions.....	.10			Bail Bonds.....	1.00	
	Orders in Court.....	.30			Detinue Bond.....	1.00	
	Continuances.....	.10		Writ of Possession.....		5.00	
Issuing.....	Subpoenas for.....	Witnesses.....	.30	30	Making Deed.....	5.00	
Trial and Incidents.....		.75	75	Collecting Money on Execution.....			
Entering.....	Judgment.....	.30	30	Writ of Restitution.....		2.00	
Issuing.....	Execution.....	.50	50	Sheriff's Commissions.....			
Entering.....	Sheriff's Return of Execution.....	.20	20	Sheriff's Deed.....			
Issuing.....	Certiorari.....	Sci. Fas.....	.75		Seizing Personal Property in Detinue.....	3.00	
Filing.....	Certiorari, etc.....	.15					
Issuing.....	Notices.....	.75		Former Sheriff's Fees.....		3.00	
Issuing.....	copies of same.....	.50		TOTAL SHERIFF'S FEES.....			
Taking.....	Bonds.....	.75		WAIVER.....	NO WAIVER.....		
Filing.....	Bonds.....	.10		RECAPITULATION			
Issuing.....	Attachment Writ.....	and taking Bond.....	1.00	Judgment for <i>plaintiff</i> for.....		242.47	
Filing.....	Attachments.....	.10		Interest from.....			
	Summons of Garnishee.....	.50		Damages.....			
Swearing and Ent.....	Answer of Garnishee.....			Clerk's Fees.....		5.85	
Complete Record, 15c per 100 words.....		1.50		Sheriff's Fees.....		3.00	
Transcript to Supreme Court.....				Justice of Peace Fees.....			
Certificate of Appeal to Supreme Court.....		.75		Witness Fees in Justice of Peace Court.....			
	Notices of Appeal.....	.75		Constable's Fees.....			
	Appeal Bond.....	.75		Commissioner's Fees.....			
Certificate of Judgment.....		.50	50	Commissioner's Residence.....			
	Witness Certificates.....	.25		Printer's Fees.....			
				Garnishee's Fees.....			
				Witness Fees in Circuit Court.....			
				Former Clerk's Fees.....			
				Trial Tax.....		3.00	
TOTAL CLERK'S FEES.....		5.85		TOTAL FEES.....		254.32	

The State of Alabama,
Baldwin COUNTY.
 CIRCUIT COURT.

E. E. Nelson, doing business as
Helom Radio & Supply Co., Plaintiff
 VS.

A. L. McCus,

Defendant

CIVIL EXECUTION FOR COSTS
 AGAINST DEFENDANT

Judgment for plaintiff for \$ 242.47

Interest from _____, 19____,

to _____, 19____, \$

Damages _____ \$

Costs _____ \$ 11.85

Total _____ \$ 254.32

Civil Fee Book paid Page 618

Execution Docket 11 Page 11

Filed March 13, 1941, 1941

R. S. Duck

Clerk

Lolie Hall

Plaintiff's Attorney

Defendant's Attorney

RECEIVED IN SHERIFF'S OFFICE

this 13 day of March 1941
 W. R. STUART, Sheriff

COLLECT COSTS FROM
 DEFENDANT

The State of Alabama,
 _____ COUNTY.

I hereby certify that the within Judgment and costs in
 this case are correct, and there was a waiver of exemp-
 tion as to personal property under the Constitution and
 Laws of Alabama.

This _____ day

of _____, 19____

Clerk,

Received in Office

March 13

1941

W. R. Stuart

Sheriff.

Sheriff's Execution Docket, page _____

Sheriff's Fee Book, page 618

Returned this 25th day of
April 1941 no property of
the defendant found in
Baldwin County

W. R. Stuart Sheriff
By M. B. Hamilton Esq.

The State of Alabama, }
 _____ COUNTY.

By virtue of the within Execution, I have, at _____ day of _____, 19____, M., this _____ o'clock _____ levied.

Sheriff.

PLAINTIFF'S WITNESSES

AMOUNT

DEFENDANT'S WITNESSES

TOTAL

LESLIE HALL
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

December 18, 1940

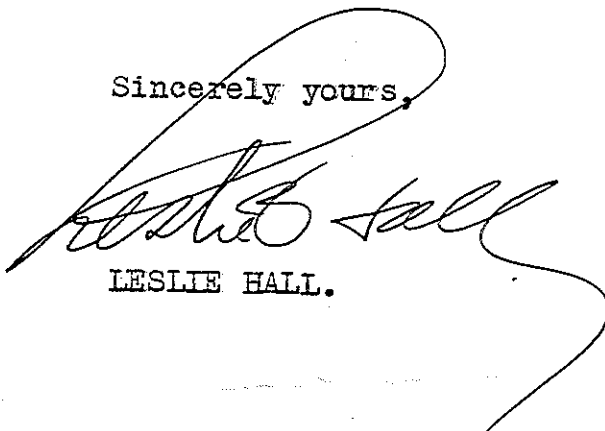
Hon. R. S. Duck
Clerk of the Circuit Court
Baldwin County
Bay Minette
Alabama

Re: Eben E. Nelson, etc., vs. A. L. McCue

Dear Mr. Duck:

Defendant's time for pleading having expired, and no pleadings having been filed in his behalf, Plaintiff requests that the papers in this case be delivered to the Judge for entry of a Judgment by default for the Plaintiff and against the Defendant for \$242.47, which includes interest.

Sincerely yours,



LESLIE HALL.

LH/"

... ..

THE STATE OF ALABAMA,
Baldwin County.

By virtue of the within execution, I have at

o'clock, M., this day of 193 levied

11-1-41

1060

[Handwritten signature]

Sheriff

SHERIFF'S RETURN

Nelson Radio & Sup. Co. vs A. L. McCue

Received on the 20 day of May, 1941, and I executed the within by collecting the sum of \$12.10. I paid to the Sheriff of Baldwin County the sum of \$10.60 covering the costs, and to Geo. Stone, County Treasurer, the sum of \$1.50 covering the the Sheriff's fee.

W. H. Holcombe, Sheriff.

By *Katherine Farmer* D. S.

No. <i>61880395-18-12.10</i>	
Page	
THE STATE OF ALABAMA, BALDWIN COUNTY	
CIRCUIT COURT	
<i>Eben E. Nelson, Doing Business as Nelson Radio & Supply Co.</i>	Plaintiff.
<i>vs.</i>	
<i>A. L. McCue</i>	Defendant.
Civil Execution for Costs Against Plaintiff	
Costs	\$ <i>12.10</i>
Civil Fee Book	Page <i>618</i>
Execution Docket	Page
Filed	<i>May 19</i> , 19 <i>41</i>
<i>R. S. Duck</i>	Clerk.
<i>Lester Hall</i>	Plaintiff's Attorney
	Defendant's Attorney
Received in Sheriff's Office this <i>19</i> day of <i>May</i> , 1941 W. R. STUART, Sheriff	

(ORIGINAL)

SUMMONS

STATE OF ALABAMA IN THE CIRCUIT COURT
 : LAW SIDE
BALDWIN COUNTY : No. _____

TO ANY SHERIFF OF THE STATE OF ALABAMA, CRESTING:

You are hereby commanded to summon A. I. McCUE, 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 BEHN E. NELSON, doing business as NELSON RADIO & SUPPLY COMPANY, Plaintiff.

Witness my hand this 29 day of October, 1940.

R. S. Duck
Clerk of the Circuit Court,

by Leatrice Thompson
as Deputy Clerk.

COMPLAINT

EBERT E. NELSON, doing business as
NELSON RADIO & SUPPLY COMPANY,
Plaintiff,
vs.
A. L. McCUE,
Defendant.

Count One

The Plaintiff claims of the Defendant the sum of Two Hundred Fourteen and 58/100 Dollars (\$214.58) due from him by account on, to-wit: the 22nd day of August, 1938, which sum of money, together with interest thereon from, to-wit: the 22nd day of August, 1938, is still due and unpaid; and the Plaintiff further alleges that a verified itemized statement of said account is hereunto attached and is, by reference, made a part of this Complaint, and that the said verified itemized statement of account will be used as evidence against the said Defendant.

COUNT TWO

The Plaintiff claims of the Defendant the sum of Two Hundred Fourteen and 58/100 Dollars (\$214.58) due from him by ACCOUNT STATED between the Plaintiff and the Defendant on, to-wit: the 22nd day of August, 1938, ~~which~~ ^{such} sum of money, together with interest thereon from, to-wit: the 22nd day of August, 1938, is still due and unpaid.

J. Terry Reynolds, Jr.
Attorneys for the Plaintiff.

(ORIGINAL)

At Law, No. *618*

Fairly

RECORDED

EBEN E. NELSON, doing business
as
NELSON RADIO & SUPPLY COMPANY,
Plaintiff,

vs.

A. L. McCUE,
Defendant.

SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED IN OFFICE THIS *29*

DAY OF OCTOBER, 1940.

R. S. Duck

Clerk of Circuit Court,

by *Arthur H. Hargan*
as Deputy Clerk.

Received in Sheriff's Office
this *29* day of *Oct*, 1940
W. R. STUART, Sheriff

*Executed this 16th day
of November 1940 by
serving a copy of
within summons on
A. L. McCue,*

*W. R. Stuart
Sheriff.*

*By B. F. Hargan
D.*

618

October 23, 1940

EBEN E. NELSON, DOING BUSINESS AS
NELSON RADIO & SUPPLY COMPANY

VS

A. L. McCUE
Statement

A. L. McCUE, Dr., to NELSON RADIO & SUPPLY CO., Cr.

Date	Invoice No. -- Description	Charges	Credit	Balance
1938				
1/1	Account stated - Statement rendered			467.87
1/5	Check		113.70	354.17
1/11	13315 - 1 Adm. 544, Ser. #209002; 1 Adm. 544, Ser. #207998; 2 sets hooks and clips, delivered Mr. Bradley Atmore.	58.38		412.55
1/14	2-544 Admirals, Ser. #208000, 209021 Invoice No. 13376	58.38		470.93
1/14	Check		146.20	324.73
1/23	13500 - 1 Z-344 Admiral, Ser. #197597, delivered Bradley, Atmore	24.60		349.33
2/7	Check		113.02	236.31
3/18	14563 - 1 D-204 Motorola Sign	2.00		238.31
3/21	14607 - 2-83, 2-82, 2-76, 2-77, 2-78, Sylvania tubes	5.82		344.13
4/7	Check		36.31	207.82
4/27	16879 - 1 Dial Crystal	.21		208.03
8/1	17437 - Replace 1 106 tube, Repair S-W switch and realign	3.55		211.58
8/22	17763 - Repairs to Admiral 544	3.00		214.58
	TOTAL BALANCE DUE			214.58

Signed Eben E. Nelson
Eben E. Nelson, Owner and Operator of
NELSON RADIO & SUPPLY COMPANY

STATE OF ALABAMA
MOBILE COUNTY

Before me, Burtia L. Moody, a
Notary Public in and for said County in said
State, personally appeared Eben E. Nelson, known to me, who, being
by me first duly and legally sworn to tell the truth and nothing
but the truth, deposes and says:

"That he is the owner and operator of Nelson Radio
& Supply Company; that the annexed statement of the account of
the said Nelson Radio & Supply Company against A. L. McCue is
just, true, and correct; that there is now due on said account
the sum of Two Hundred Fourteen and 58/100 Dollars (\$214.58), to-
gether with interest thereon from, to-wit: the 22nd day of August,
1938; that the said sum of Two Hundred Fourteen and 58/100 Dol-
lars (\$214.58) is the correct amount now due on said account
after allowing all credits, set-offs and counterclaims; and that
the said account, together with interest thereon, is still due
and unpaid."

Eben E. Nelson
Affiant.

Sworn to and subscribed before me on this 28 day of
October, 1940.

Burtia L. Moody
Notary Public, Mobile County, Ala.