

1244

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

January 19, 1949

Honorable T. J. Mashburn, Jr.
Circuit Judge
Bay Minette, Alabama

Dear Judge:- IN RE STUART-RILEY -vs- G. H. BONIE:

In the above mentioned case you will find that the Sheriff by mistake gave the wrong papers to Bonie. Bonie filed some kind of paper saying he did not get a summons and complaint. Later the sheriff gave the correct summons and complaint to him.

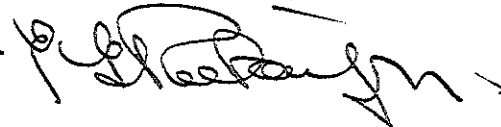
Thirty days have now elapsed and I have asked for a judgment by default. Judge Hare refuses to grant it on the grounds an appearance was filed. Our contention is that an appearance was filed before summons and complaint was served and that there has been no appearance since. We are, therefore, of the opinion that we are entitled to a judgment by default.

Client asks us to report progress and I would like to have you decide whether this case should be set down for a hearing, or judgment granted as soon as possible.

Yours very truly,

RICKARBY & RICKARBY

by-



EGR, jr:rs

471

CC:Dun & Bradstreet, Inc.

CC: Mr. G. H. Bonie

RILEY-STUART COMPANY, a partner-
ship composed of K. I. Riley
and W. R. Stuart,

Plaintiff

LAW

CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA

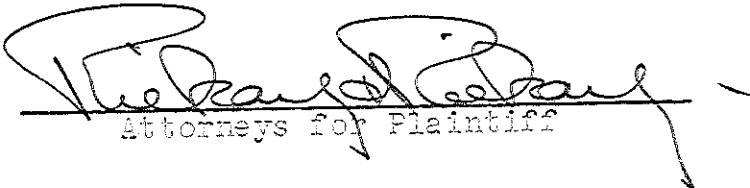
- vs -

G. H. BONIE,

Defendant

The plaintiff request judgment by default in the sum of, ONE HUNDRED SEVENTY-THREE and 12/100 DOLLARS, (\$173.12), for that service was had on the defendant on the 16th day of November, 1948, and the defendant has failed to plead, answer or demur to the complainant as required by law. Wherefore plaintiff request the Clerk to note this demand on the docket and send the papers in the cause, which includes an Itemized and Verified statement of account, to the Judge in accordance with the rule and practice of this court, so that a judgment by default in this cause can be entered.

Account.....	\$164.88
Interest 6%.....	8.24
Total	\$173.12


Attorneys for Plaintiff

RECORDED

RILEY-STUART COMPANY, a partner-
ship composed of K. T. Riley
and W. R. Stuart,
Plaintiff

- VS -

G. H. BONTE,
Defendant

MOTION FOR JUDGMENT BY DEFAULT

FILED
DEC 20 1948
ALICE J. BUCK, Clerk

RILEY-STUART SUPPLY COMPANY,

Plaintiff

vs.

G. H. BONIE,

Defendant


IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

ANSWER

Comes the Defendant and appears specially, only, and not generally, and says that the proposed suit is defective and that the service is defective in that it was not commenced by filing a summons and complaint as required by statute.



G. H. Bonie, Defendant

RECEIVED
NOV 12 1936
BALDWIN COUNTY, ALABAMA
CLERK OF COURT
G. H. BONIE
BY
RECEIVED
NOV 12 1936
BALDWIN COUNTY, ALABAMA
CLERK OF COURT
G. H. BONIE
BY

Activity
Boggy Creek
11-18-46

1244
RECORDED

ANSWER

RILEY-STUART SUPPLY COMPANY,

Plaintiff

vs.

G. H. BONIE,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

FILED

NOV 13 1948

ALICE J. DUCK, Clerk

STATE OF

RILEY-STUART SUPPLY COMPANY

20 NORTH WATER STREET

DIAL 3-1529

MOBILE 11, ALA.

August 16, 1948

ACCOUNT OF

G. H. Bonie
Moley, Alabama

DATE	DESCRIPTION	CHARGES	CREDITS	BALANCE
Jan 26		124.44		
Feb 2		37.21		161.65
	Interest as added to check dated 5/17/48			3.23
				164.88

WTS
KTRIC

INVOICE

RILEY-STUART SUPPLY COMPANY**SASH, DOORS, GLASS, PAINTS AND HARDWARE****ALL KINDS OF BUILDING MATERIAL**

Cor. St. Francis and Water Sts.

Mobile 7, Ala.,

1/26/48

INVOICE No. 20461

ORDER No. _____

REQ. No. _____

JOB _____

Name G. E. Bonie

Address

Shipping Point

Terms

3 Sheets 1/4 x 4 x 7 Pine	84'	200.00	16.80
6 Sheets 1/2 x 4 x 8 Fir	192'	300.00	57.60
2 Sheets 3/4 x 4 x 8 Spruce	64'	385.00	24.64
3 Sheets 1/4 x 4 x 6 Pine	72'	150.00	10.80
4 Sheets 4x8 Plain Temp. Masonite	128'	95.00	12.16
			<hr/> 122.00
		Tax	2.44
			<hr/> 124.44

INVOICE

RILEY-STUART SUPPLY COMPANY

SASH, DOORS, GLASS, PAINTS AND HARDWARE

ALL KINDS OF BUILDING MATERIAL

Cor. St. Francis and Water Sts.

Mobile 7, Ala.,

2/2/48

INVOICE No. 20661

ORDER No. _____

REQ. No. _____

JOB _____

Name G. H. Bonie

Address _____

Shipping Point _____

Terms _____

12 Pc. 4x8 1/8" Temp. Masonite

384'

95.00

36.48

Tax .75

37.21

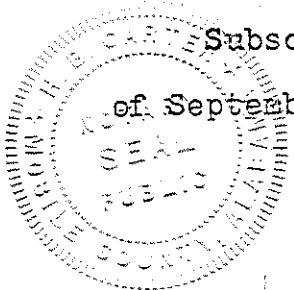
STATE OF ALABAMA:

COUNTY OF BALDWIN:

Before me, the undersigned Notary Public, personally appeared Sara E. McFadden, who, being first duly sworn deposes and says that she is the Bookkeeper of the RILEY-STUART SUPPLY COMPANY of Mobile, Alabama, and as such has knowledge of the correctness of the account between said firm and Mr. G. W. BONIE of Foley, Alabama, and that the attached itemized statement correctly shows such account and that the balance of ONE HUNDRED SIXTY-FOUR and 88/100 DOLLARS shown thereon is still due after allowance of all proper credits and is unpaid.

Sara E. McFadden, Bookkeeper

Subscribed and sworn to before me on this the 24th day of September, 1948.



H. B. Carter
Notary Public, Mobile County, Alabama.

1244
RECORDED

RILEY-STUART SUPPLY COMPANY,
Plaintiff

-vs-

G. W. BONIE,
Defendant

VERIFIED STATEMENT OF ACCOUNT

RICKARBY & RICKARBY, Attorneys

*This is all that was
served on Mr. Bonie,
on October 18, 1948.*



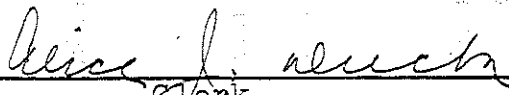
STATE OF ALABAMA:
COUNTY OF BALDWIN:

L A W No. _____
CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon G. H. BONIE to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama at Bay Minette, Ala., against G. H. BONIE, Defendant, by the RILEY-STUART COMPANY, a partnership composed of K. T. Riley and W. R. Stuart, Plaintiff.

Witness my hand this 1st day of October, 1948.


Clerk.

C O M P L A I N T

RILEY-STUART COMPANY, a partner-
ship composed of K. T. Riley
and W. R. Stuart,
Plaintiff

G. H. BONIE,
Defendant

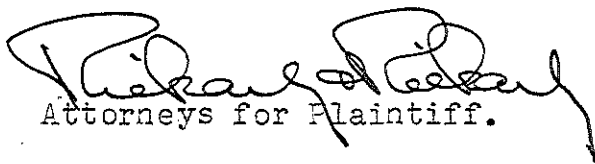
-vs-

COUNT 1

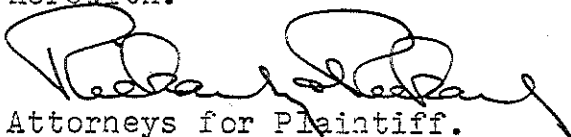
The Plaintiff claims of the Defendant ONE HUNDRED SIXTY FOUR and 88/100 DOLLARS (\$164.88), due for goods, wares and merchandise sold by the Plaintiff to the Defendant on, to-wit, January 26th, 1948, which sum of money together with interest thereon is due and unpaid.

COUNT 2

The Plaintiff claims of the Defendant the sum of ONE HUNDRED SIXTY FOUR and 88/100 DOLLARS, (\$164.88), due from him by account on, to-wit, February 2nd, 1948, which sum of money together with interest thereon is due and unpaid.


Attorneys for Plaintiff.

NOTE: The account sued on is evidenced by an itemized and verified statement filed herewith.


Attorneys for Plaintiff.

Received in Sheriff's Office
this 1 day of Oct, 1948
TAYLOR WILKINS, Sheriff

L A W No. 1244

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

RECORDED

RILEY-STUART COMPANY, a partner
ship composed of K. T. Riley
and W. R. Stuart,
Plaintiff

-vs-

G. H. BONIE,
Defendant

SUMMONS AND COMPLAINT

Defendant lives at:
Foley, Alabama

FILED

OCT 1 1948

ALICE J. DUCK, Clerk

RICKARBY & RICKARBY,
Attorneys

I have executed this Writ
this 16 day of Nov,
1948, by leaving a copy of the
within Summons and Complaint
with

G. H. Bonie

Taylor Wilkins
Sheriff.
Ed. Lee Headham
D. S.

RECEIVED
SHERIFF'S OFFICE
BALDWIN COUNTY, ALABAMA
OCT 1 1948

DEFENDANT
G. H. BONIE

COPIES OF THIS WRIT ARE TO BE FURNISHED TO THE DEFENDANT AND TO THE SHERIFF'S OFFICE.

THIS WRIT IS TO BE RETURNED TO THE SHERIFF'S OFFICE WITHIN TEN DAYS OF THE DATE OF ISSUANCE. IF THE DEFENDANT FAILS TO APPEAR IN COURT ON THE DATE SPECIFIED, THE WRIT MAY BE RETURNED TO THE SHERIFF'S OFFICE WITHOUT FURTHER ADJUDICATION.

RECEIVED
SHERIFF'S OFFICE
BALDWIN COUNTY, ALABAMA
OCT 1 1948

THIS WRIT IS TO BE RETURNED TO THE SHERIFF'S OFFICE WITHIN TEN DAYS OF THE DATE OF ISSUANCE. IF THE DEFENDANT FAILS TO APPEAR IN COURT ON THE DATE SPECIFIED, THE WRIT MAY BE RETURNED TO THE SHERIFF'S OFFICE WITHOUT FURTHER ADJUDICATION.

RECEIVED
SHERIFF'S OFFICE
BALDWIN COUNTY, ALABAMA
OCT 1 1948

TWENTY-FIRST JUDICIAL CIRCUIT
OF ALABAMA

F. W. HARE, JUDGE

A. H. ELLIOTT, CIRCUIT SOLICITOR

LOUISE J. DUSENBURY, COURT REPORTER

MONROEVILLE, ALABAMA

Riley-Stuart Co.
vs.
C. H. Bonie

There is an appearance
in this case and I therefore
cannot enter a default judgment

F. W. Hare

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

December 17, 1948

Mrs. Alice J. Duck
Clerk Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:- IN RE RILEY-STUART vs.
G. H. BONIE

Enclosed find motion for judgment by
default. Please process and present to the Judge.

Yours very truly,

RICKARBY & RICKARBY

by:- 

EGR,jr:rs

471

enc.

CC:- Dun & Bradstreet, Inc.
New Orleans, Louisiana

STATE OF ALABAMA:

L A W No. _____

COUNTY OF BALDWIN:

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon G. H. BONIE to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin, County, State of Alabama at Bay Minette, Alabama, against G. H. BONIE, Defendant, by the RILEY-STUART COMPANY, a partnership composed of K. T. Riley and W. R. Stuart, Plaintiff.

Witness my hand this 17th day of November, 1948.


Clerk

C O M P L A I N T

RILEY-STUART COMPANY, a partnership composed of K. T. Riley and W. R. Stuart,
Plaintiff

G. H. BONIE
Defendant

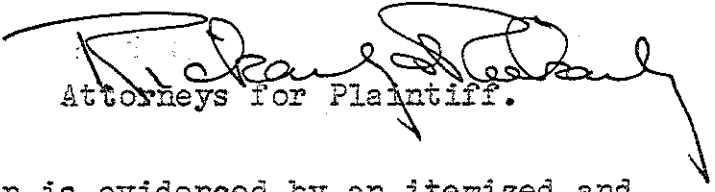
-vs-

COUNT 1

The Plaintiff claims of the Defendant ONE HUNDRED SIXTY FOUR and 88/100 DOLLARS (\$164.88), due for goods, wares and merchandise sold by the Plaintiff to the Defendant on, to-wit, January 26th, 1948, which sum of money together with interest thereon is due and unpaid.

COUNT 2

The Plaintiff claims of the Defendant the sum of ONE HUNDRED SIXTY FOUR and 88/100 DOLLARS, (\$164.88), due from him by account on, to-wit, February 2nd, 1948, which sum of money together with interest thereon is due and unpaid.


Attorneys for Plaintiff.

NOTE: The account sued on is evidenced by an itemized and verified statement filed herewith.


Attorneys for Plaintiff.

1244

RILEY-STUART COMPANY, a
partnership composed of
K. T. Riley and W. R. Stuart
Plaintiff

- vs -

G. H. BONIE
Defendant

SUMMONS AND COMPLAINT

Filed
10-17-48
Beice J. Clark
Clerk

Defendant lives at:
Foley, Alabama

STATE OF ALABAMA:

L A W No. 1244

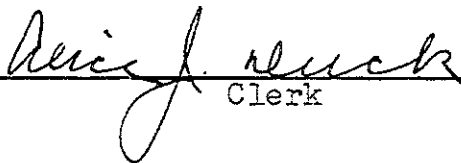
COUNTY OF BALDWIN:

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon G. H. BONIE to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin, County, State of Alabama at Bay Minette, Alabama, against G. H. BONIE, Defendant, by the RILEY-STUART COMPANY, a partnership composed of K. T. Riley and W. R. Stuart, Plaintiff.

Witness my hand this 17th day of November, 1948.


Clerk

C O M P L A I N T

RILEY-STUART COMPANY, a partner-
ship composed of K. T. Riley
and W. R. Stuart,
Plaintiff

G. H. BONIE
Defendant

-vs-

COUNT 1

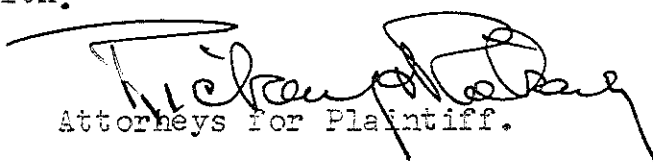
The Plaintiff claims of the Defendant ONE HUNDRED SIXTY FOUR and 88/100 DOLLARS (\$164.88), due for goods, wares and merchandise sold by the Plaintiff to the Defendant on, to-wit, January 26th, 1948, which sum of money together with interest thereon is due and unpaid.

COUNT 2

The Plaintiff claims of the Defendant the sum of ONE HUNDRED SIXTY FOUR and 88/100 DOLLARS, (\$164.88), due from him by account on, to-wit, February 2nd, 1948, which sum of money together with interest thereon is due and unpaid.


Attorneys for Plaintiff.

NOTE: The account sued on is evidenced by an itemized and verified statement filed herewith.


Attorneys for Plaintiff.

1244

RILEY-STUART COMPANY, a
partnership composed of
K. T. Riley and W. R. Stuart
Plaintiff

G. H. BONIE
Defendant

SUMMONS AND COMPLAINT

Trick
10-17-48
Cliff J. Trick
clerk

Shiriff
Reports
Maginial
live here
Planned

RECEIVED

CLIFF J. TRICK
CLERK
RILEY-STUART COMPANY

CLIFF J. TRICK
CLERK

The Sheriff of the County of ...
and ... (1948) ...
said of the ...
which ...
and ...
therein is the ...

Cliff J. Trick
clerk

and ...
...

Cliff J. Trick
clerk

Defendant lives at:
Foley, Alabama

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

September 29, 1948

Mrs. Alice J. Duck
Clerk Circuit Court
Bay Minette, Alabama

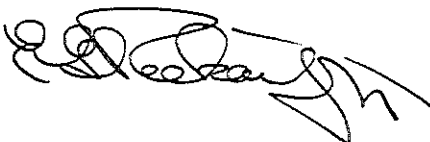
Dear Mrs. Duck:

With this we hand you the papers of Riley-
Stuart Company -vs- G. H. Bonie. Please issue process
and oblige.

Yours very truly,

RICKARBY & RICKARBY

by:-



EGR,jr:rs
471
encl.

1244

Riley - Stuart Company
vs.

G. W. Bonie

Suit on account
filed 10-1-48

Rickabyz

RILEY-STUART COMPANY, a
Partnership composed of K. T.
Riley and W. R. Stuart,
Plaintiff

L A W
CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

-VS-

G. H. BONIE,
Defendant

This day came the Plaintiff and by attorneys and the
Defendant being called came not but made a default and
on Motion of the Plaintiff after considering the itemized
and verified statement of account, the Court being of the
opinion it is CONSIDERED and ORDERED by the Court and it
is the judgment of the Court that judgment be, and the
same is hereby rendered of the Plaintiff and against the
Defendant for the sum of ONE HUNDRED SEVENTY THREE and
12/100 DOLLARS and the further sum of *twelve and ⁰⁶/₁₀₀*
DOLLARS for costs.

Julius J. Mathis, Jr.
Judge.

1244

RILEY-STUART COMPANY,
Plaintiff

-VS-

G. H. BONIE,
Defendant

.....
JUDGMENT ENTRY
.....

FILED

JAN 25 1949

ALICE J. DUCK, Clerk

mp21