

LANIER P. ANGLE,

Appellee

Vs.

MARY W. KIBBE,

Appellant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

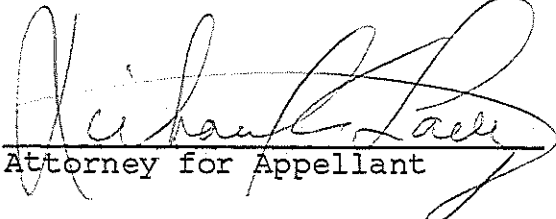
CASE No. 9012

AT LAW

9012

MOTION

Comes now MARY W. KIBBE, Appellant in above-styled cause and files this her motion to amend nunc pro tunc the judgment rendered by Your Honor in this cause for that Your Honor found for your Petitioner but failed to enter an order reversing the decree of the Justice Court of W. W. ROBERTS and your Petitioner prays that Your Honor will set a date and time to hear your Petitioner.

  
Attorney for Appellant

**FILED**

APR 24 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

LANIER P. ANGLE,

Appellee

Vs.

MARY W. KIBBE,

Appellant

IN THE CIRCUIT COURT OF

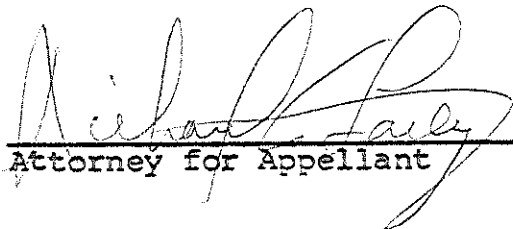
BALDWIN COUNTY, ALABAMA

CASE No. 9012

AT LAW

MOTION

Comes now MARY W. KIBBE, Appellant in above-styled cause and files this her motion to amend nunc pro tunc the judgment rendered by Your Honor in this cause for that Your Honor found for your Petitioner but failed to enter an order reversing the decree of the Justice Court of W. W. ROBERTS and your Petitioner prays that Your Honor will set a date and time to hear your Petitioner.

  
Attorney for Appellant

**FILED**

APR 24 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

LANIER P. ANGLE,  
Appellee

Vs

MARY W. KIBBE,  
Appellant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 9012

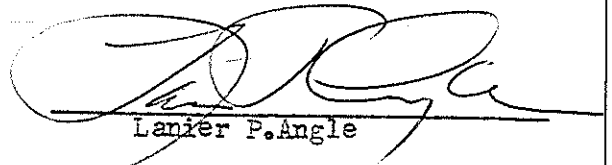
AT LAW

MOTION

Comes now Lanier P. Angle, styled as appellee in above captioned cause, appearing specially and only for the purpose of filing this his motion for retaxation of all costs in said case as against appellant for that under due process of law and for want of jurisdictional fact required to be shown by the record, your movant is not in Court in the above styled cause;

And same stands dismissed out of appellate court without diminution of judgment for plaintiff heretofore rendered in the justice court from whence it was sought to be removed.

This the 31st day of December, 1971.

  
Lanier P. Angle

**FILED**

JAN 4 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

LANIER P. ANGLE,  
Appellee

Vs

MARY W. KIBBE,  
Appellant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 9012

AT LAW

On motion of Lanier P. Angle in the above styled cause filed on, to wit:  
the 3rd day of August, 1970,

It is ORDERED, ADJUDGED AND DECREED that same be set down for hearing  
on \_\_\_\_\_

and that the parties be notified thereof.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_.

Telfair J. Mashburn, Judge

LANIER P. ANGLE,  
Plaintiff

Vs

MARY W. KIBBE,  
Defendant

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, at Bay Minette, Alabama

FROM THE JUSTICE COURT OF W.W.  
ROBERTS, at Daphne, Alabama

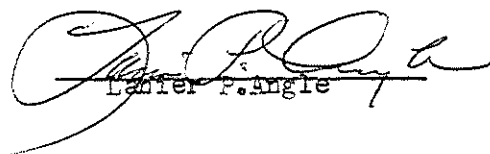
MOTION TO DISMISS

Comes now Lanier P. Angle in his own proper person, appearing specially and only for the purpose of filing this his motion, to dismiss above styled case for that Defendant failed to perfect appeal or certiorari within the time required by law, to enable such proceedings in this Honorable Court.

And the Plaintiff avers that bond for appeal has not been tendered to aforesaid Justice for approval within five days after rendition of judgment for the Plaintiff and against the Defendant on, to-wit: the 12th day of August, 1969 in said Justice Court; and that such bond, if any there be, cannot be approved by the Justice at any date subsequent to such five days period.

Wherefore, your movant prays that he be dismissed without judgment or costs in this proceeding.

Done this the 5th day of February, 1970.

  
Lanier P. Angle

FILED

FEB 12 1970

ALICE J. DUCK CLERK  
REGISTER

11:25 A.M.

LANIER P. ANGLE,

Plaintiff

Vs

MARY W. KIBBE

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 9012

AT

LAW

ORDER FOR BOND AS SECURITY FOR COSTS  
OF APPEAL; AND FOR TRIAL BY JURY

On Motion made to the Court by Lanier P. Angle, appearing specially on, to-wit: the 12th day of February, 1970, to dismiss action in the nature of appeal by Mary W. Kibbe from judgment rendered on, to-wit: the 12th day of August, 1969, in the Justice Court of W. W. Roberts at Daphne, Alabama; said judgment and costs therein having been paid by the defendant; and no bond for appeal at any time having been filed by or for account of said Mary W. Kibbe, for appellate costs, or otherwise; and it appearing to the Court that formal request for trial by jury had been filed in aforesaid Justice Court by the defendant;

It is hereby ORDERED, ADJUDGED AND DECREED as a final order that said Mary W. Kibbe provide bond with good and sufficient sureties for appeal in an amount estimated to fully cover the appellate costs thereof, and on approval of such bond by this Court, that aforesaid cause proceed to trial by jury on a date to be set down in this Court.

Done and ordered this the \_\_\_\_ day of March, 1970.

\_\_\_\_\_  
Telfair J. Mashburn, Judge

LANIER P. ANGLE,

Plaintiff

Vs

MARY W. KIBBE

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 9012

AT

LAW

ORDER FOR BOND AS SECURITY FOR COSTS  
OF APPEAL; AND FOR TRIAL BY JURY

On Motion made to the Court by Lanier P. Angle, appearing specially on, to-wit: the 12th day of February, 1970, to dismiss action in the nature of appeal by Mary W. Kibbe from judgment rendered on, to-wit: the 12th day of August, 1969, in the Justice Court of W. W. Roberts at Daphne, Alabama; said judgment and costs therein having been paid by the defendant; and no bond for appeal at any time having been filed by or for account of said Mary W. Kibbe, for appellate costs, or otherwise; and it appearing to the Court that formal request for trial by jury had been filed in aforesaid Justice Court by the defendant;

It is hereby ORDERED, ADJUDGED AND DECREED as a final order that said Mary W. Kibbe provide bond with good and sufficient sureties for appeal in an amount estimated to fully cover the appellate costs thereof, and on approval of such bond by this Court, that aforesaid cause proceed to trial by jury on a date to be set down in this Court.

Done and ordered this the \_\_\_\_\_ day of March, 1970.

Telfair J. Mashburn, Judge

Transcript of Criminal Cases from Justice Court of Baldwin County, Ala.

Attorneys	Case	Charge
	THE STATE OF ALABAMA,	
	Vs.	
	Mrs Mary W. Kibbe Montrose, Ala.	Non payment of \$70.00 bill due. 4th day Feb. 1969 for services.

9012

Disposition of Case	Fees	Amount
	Affidavit made and Warrant Issued to <i>Mary W. Kibbe</i> Returnable Witness—for State <i>Lanier B. Gingle</i> <i>360 Boone St.</i> <i>Fairhope, Ala.</i> This case was heard July 19 1969. I found in favor of the plaintiff <i>S. Lanier B. Gingle</i> . The American National Bank accepted the verdict and paid off. This money was in turn sent to Mr. Gingle. Mr. Lucy attorney for Mrs. Kibbe appealed this case and request trial by jury -  <i>W. W. Roberts</i> Justice of the Peace	Judge's Fees Warrant at 50c, Affidavit at 25c Bond at 50c, Sci Fa. at 50c Witnesses' Recognizances at 25c Subpoenas or notice at 25c Continuance at 25c Trial of Misdemeanor at \$1.00 Mittimus at 25c Judgment on Forfeited Bond at 25c Taking Bond, etc., on Appeal at \$1.00 Execution of costs at 25c Constable's Fees Subpoena or Notice at 25c Carrying Defendant before Justice each mile for himself and guard at 10c Arrest 50c Sheriff's Fees Arrest \$5.00, Bond \$2.00, Sci Fa. 50c Guard \$2.00, Finger Printing \$1.00 Subpoenas at 50c, Mileage Witness Fees Days at 50c Days at 50c Days at 50c Days at 50c Days at 50c Days at 50c Days at 50c Defendant's Costs Witnesses' Recognizance at 25c Subpoenas at 50c Executing Subpoenas

FILED

NOV 24 1969

CLERK REGISTER  
AICE J. BARK

*[Handwritten signature/initials]*



STATE of ALABAMA  
Baldwin County

Whereas, Lanier P. Angle has filed a complaint before me,  
W.W. Roberts, a Justice of the Peace for said county, upon which  
a Summons has been issued by me returnable on the 28 day of June 1969  
at Daphne, Alabama, against (Mrs) Mary W. Kibbe, Montrose, Alabama  
for the sum of Seventy and 00/100 Dollars, and has given bond as required  
by law and has made affidavit that the said (Mrs) Mary W. Kibbe is indebted  
to him in the sum of Seventy and 00/100 Dollars; that he believes that process  
of garnishment is necessary to obtain satisfaction of said claim, and that American National Bank  
and Trust Company, 130 St. Joseph St., Mobile, Ala. is supposed to be indebted to said Defendant  
on checking account and under a or has effects of said Defendant in his possession or under  
contract of employment  
his control. You are, therefore, commanded to summon the said American National Bank and  
Trust Company, by it's duly to be and appear before me on the said 28 day of  
June 1969, at Daphne, Alabama then and there to answer, on  
oath, whether and to what amount he was indebted to said defendant at the time of the service of this  
Writ of Garnishment, or at the time of making this answer, and whether he will not be indebted in future  
to him by contract then existing, and whether he has not in his possession or under his control personal or  
real property, or things in action, belonging to the Defendant.

Witness my hand this 12 day of June 1969

W.W. Roberts  
Justice of the Peace

War 6251  
4/28

No. 6191 Page \_\_\_\_\_

**STATE of ALABAMA**

**Baldwin County**

**Writ of Garnishment on  
Summons and Complaint**

Justice Court of

HONORABLE W.W. ROBERTS, DAPHNE, ALA.

Lanier P. Angle

vs.

(Mrs) Mary W. Kibbe

Defendant.

177 / Mary James BK  
American National Bank and Trust  
Company, Mobile, Alabama. Garnishee.

BY

MOORE PRINTING COMPANY - BAY MINETTE, ALA.  
JUN 17 9 37 AM

REC'D SHERIFF DEPT  
MOBILE COUNTY, ALA.

Received 16 day of June 1967  
and on 17 day of June 1967  
I served a copy of the within Writ  
on American National Bank & Trust Co.

By service on Mary James  
Bank Keeper  
TAYLOR WILKINS, Sheriff  
By A. C. Hanning D.S.

STATE OF ALABAMA }  
Baldwin County }

In The Justice Court Of

HONORABLE W.W. ROBERTS  
Daphne, Ala.

To Any Lawful Officer of Said County, Greetings :

Summon (Mrs) Mary W. Kibbe, P.O. Box 63, Montrose, Alabama 36559 at 10:00 A.M.  
to appear before me on the 28 day of June 19 69, next, at my office  
in Daphne Baldwin County, Alabama, to answer the complaint of  
Lanier P. Angle, 360 Boone Lane, Fairhope, Alabama 36532  
and then and there make a return of this summons.

Issued the 12 day of June 19 69

*W. W. Roberts*

Justice of the Peace

COMPLAINT

<u>Lanier P. Angle</u> <u>360 Boone Lane,</u> <u>Fairhope, Alabama 36532</u> Plaintiff	VS.	<u>(Mrs) Mary W. Kibbe,</u> <u>P.O. Box 63,</u> <u>Montrose, Alabama 36559</u> Defendant
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Count 1

The Plaintiff claims of the Defendant the sum of Seventy and 00/100 Dollars due from her by account on, to-wit: the 4th day of February, 1969 which sum of money with the interest thereon, is still unpaid.

Count 2

The Plaintiff claims of the Defendant the sum of Seventy and 00/100 Dollars due from her on account stated between the Plaintiff and the Defendant on, to-wit: the 4th day of February, 1969 which sum of money with the interest thereon, is still unpaid.

Count 3

The Plaintiff claims of the Defendant the sum of Seventy and 00/100 Dollars due from her for work and labor done for the Defendant by the Plaintiff as at the 4th day of February, 1969 at her request, which sum of money with the interest thereon, is still unpaid.

This suit is filed on an itemized and verified account which will be offered in evidence at trial thereof.

*Lanier P. Angle* Plaintiff's Attorney  
Lanier P. Angle

RECEIVED  
JUN 16 19

Executed by personal service and notice of

Garnishment

*Mrs. Mary W. Kibbe*

this 20 day of June 1969

Constable

By R. Randall D. C.

*Montrose*

Sheriff claims 1 miles at

Ten Cents per mile Total \$ .10

*Randall*

No. 6191e Page \_\_\_\_\_

**The State of Alabama,**  
Baldwin County

In the Justice Court of

HONORABLE W.W. ROBERTS  
Daphne, Ala.

Term, 19\_\_\_\_\_

**SUMMONS and COMPLAINT**

Lanier P. Angle

360 Boone Lane,

Fairhope, Alabama 36532

Plaintiff.

Vs.

(Mrs) Mary W. Kibbe,

P.O. Box 63,

Montrose, Alabama 36559

Defendant.

The Defendant is hereby notified that  
Writ of Garnishment has been served on

American National Bank and Trust

Company, 130 St. Joseph Street,

Mobile, Alabama.

*W. W. Roberts*

W. W. Roberts J. P.

Location: Daphne, Alabama

928-9691

ANSWER OF GARNISHEE

Lanier P. Angle ( )  
Plaintiff, ( )  
 VS NO. \_\_\_\_\_ ( ) IN THE Justice ( )  
 (Mrs.) Mary W. Kibbe ( ) Baldwin ( )  
 \_\_\_\_\_ ( ) COURT OF MOBILE COUNTY, ( )  
 \_\_\_\_\_ ( ) ALABAMA ( )  
Defendant, ( )

THE AMERICAN NATIONAL BANK &  
 TRUST COMPANY OF MOBILE, a  
 National Banking Association,

GARNISHEE

Comes S. F. Cawthon, Sr. Vice President and, Cashier

The American National Bank & Trust Company of Mobile, Garnishee in the above styled cause,  
 and for answer to the writ of garnishment served upon said Garnishee on the 18th day of  
June, 19 69, upon oath, says that he is Sr. Vice President & Cashier  
 of Garnishee Bank and is the duly authorized agent of said Garnishee to make this answer;  
 that he has knowledge of the facts herein stated, and that said Garnishee is not  
 indebted to the above named Defendant at the time of the service of the writ of garnish-  
 ment in said cause, or at the time of making this answer, or at any time intervening between  
 said times; that it will not be indebted in the future to said Defendant by  
 a contract then existing, and is not liable to said Defendant for the delivery  
 of personal property, or for the payment of money which may be discharged by the delivery  
 of personal property, or which is payable in personal property; and that it has not  
 in its possession, or under its control, money or effects belonging to the said Defendant

Except:

Checking account Number 02-170-90 - Balance \$26.31

Savings Account Number 13-246-21 - Balance \$14.15

Employed with wages amounting to \$470.00 per month

And said Garnishee, having fully answered, prays to be discharged with its reasonable costs in this behalf expended.

The American National Bank & Trust Company  
of Mobile, Garnishee in said cause

Subscribed and sworn to before  
 me this 18 day of June,  
 19 69.

Charlotte A. Blackwell  
 NOTARY PUBLIC, MOBILE COUNTY, ALABAMA  
 My Commission Expires Jan. 29, 1973

BY S. F. Cawthon  
 S. F. Cawthon  
 Its Sr. Vice President and Cashier

THE STATE OF ALABAMA }  
Baldwin County

IN THE JUSTICE COURT OF

HONORABLE W.W.ROBERTS  
Daphne, Ala.

Know All Men By These Presents:

That we, Lanier P. Angle, Prince E. Griffin and Donald I. Walker, of the City of Fairhope, County of Baldwin, Alabama are held and firmly bound unto (Mrs) Mary W. Kibbe, of the City of Montrose, County of Baldwin, Alabama in the sum of One Hundred Forty and 00/100 Dollars and costs, to be paid to the said

(Mrs) Mary W. Kibbe her heirs, executors, administrators and assigns; for which payment, well and truly to be made, we bind ourselves and each of us our heirs, executors and administrators jointly, severally and firmly by these presents.

Sealed with our seal and dated this 5th day of June, in the year of our Lord, One Thousand, Nine Hundred and Sixty Nine

The condition of the above obligation is such, that, whereas the above bound Lanier P. Angle has on the day of the above date commenced suit in the Court of Honorable W.W. Roberts returnable on the day of June, 1969, to recover of said (Mrs) Mary W. Kibbe

the sum of Seventy and 00/100 Dollars, and the said Plaintiff has prayed a Garnishment in said case, as provided by law.

Now, if said Plaintiff shall prosecute this suit to effect, and pay all such damages and costs to Defendants as he may sustain by the wrongful suing out of said Garnishment, this obligation to be void, otherwise to remain in full force and effect.

Approved this day of June A. D., 1969 J. P. W.W. Roberts

Prince E. Griffin (Seal)  
Donald I. Walker (Seal)  
Lanier P. Angle (Seal)

STATE OF ALABAMA }  
Baldwin County

Personally appeared before me, W.W. Roberts, a Justice of the Peace for the County and State aforesaid Lanier P. Angle who, being duly sworn, deposeth and saith that (Mrs) Mary W. Kibbe is justly indebted to Affiant in the sum of

Seventy and 00/100 Dollars, and that he has commenced suit by Summons and Complaint returned on the day of June 1969, in the Court of

W.W. Roberts, Daphne, Alabama, and believes the process of Garnishment is necessary to obtain satisfaction of said debt, that American National Bank and Trust Company, Mobile, Alabama is or is supposed to be indebted to the said (Mrs) Mary W. Kibbe or has effects or money of said Defendant in his hands.

Sworn to and subscribed before me this day June 1969 J. P. W.W. Roberts

Lanier P. Angle

No. ....

Page .....

STATE OF ALABAMA  
Baldwin County

GARNISHMENT BOND AND  
AFFIDAVIT

In the Justice Court of

HONORABLE W.W. ROBERTS  
Daphne, Ala.

Lanier P. Angle

Plaintiff

Vs.

(Mrs) Mary W. Kibbe

Defendant

American National Bank and Trust  
Company, Mobile, Ala. Garnishee

Filed in my office ...this..... day of

.....June....., 19...69.....

Lanier P. Angle Justice of Peace.

COUNTY OF BALDWIN

STATE OF ALABAMA

Be it remembered, that on this 12<sup>th</sup> day of June  
A. D., 1969, personally appeared before me, the undersigned authority, Lanier P. Angle known to me

who being duly sworn, upon his oath stated that he is

of \_\_\_\_\_  
{ a corporation organized and doing business under the laws of the State of \_\_\_\_\_  
{ and has been duly authorized by said corporation to make this affidavit  
{ a partnership composed of \_\_\_\_\_  
{ \_\_\_\_\_

a sole trader doing business as Tax Practitioner

and that as such he makes this affidavit; that he is familiar with the books and business of said \_\_\_\_\_; that the attached account against  
(Mrs) Mary W. Kibbe of Montrose, Alabama

is just and correct, within the knowledge of this affiant, that the items thereon stated and composing the said account were sold and delivered to said (Mrs) Mary W. Kibbe

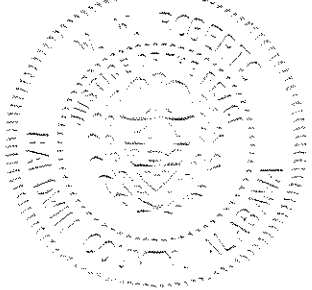
at { its  
their } special instance and request, that credit has been duly given for all payment and  
his  
her

just and lawful offsets to which said account is entitled as thereon stated, and that the balance thereof, amounting to the sum of Seventy and 00/100 ----- Dollars  
(\$70.00) with interest from February 4, 1969 is justly due and remains unpaid.

[Signature] X

I hereby certify under my official seal that I am authorized as a ~~Notary Public~~ Justice of the Peace to administer oaths under the laws of the State of Alabama and that the foregoing was subscribed and sworn to before me on the day and year first above stated.

W. W. Roberts  
W. W. Roberts, Justice of the Peace Notary Public



County of Baldwin State of Alabama  
My commission expires \_\_\_\_\_ A. D. 19 \_\_\_\_\_



AUDITS

SYSTEMS

TAX

LANIER P. ANGLE  
PUBLIC ACCOUNTANT

321 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA

PHONE WA 8-8729 (OFFICE)

PHONE WA 8-8072 (RESIDENCE)

REGISTERED:

ALA. SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS  
(CERTIFICATE 168, ACT 571, ALA. 1959)

MEMBER:

AMERICAN ACCOUNTING ASSOCIATION  
OHIO STATE UNIVERSITY, COLUMBUS, OHIO  
NATIONAL ASSOCIATION OF PUBLIC ACCOUNTANTS  
WASHINGTON 25, D. C.  
NATIONAL ASSOCIATION OF TAX ACCOUNTANTS  
LOS ANGELES, CALIFORNIA

Mrs Mary W. Kibbe,  
P.O. Box 363,  
Montrose, Alabama 36559

February 4, 1969

STATEMENT:

Services rendered pursuant to preparation of Federal and State  
of Alabama Individual, Itemized Income Tax Returns, C.Y. 1968, and  
related matters (billed time basis).....

\$70.00

LANIER P. ANGLE, ) IN THE JUSTICE COURT OF  
Plaintiff, ) W. W. ROBERTS,  
VS. ) DAPHNE, ALABAMA  
M. W. KIBBE, )  
Defendant )

Comes now the Defendant in the above styled cause and files this her demurrer to said Bill of Complaint and each and every count thereof:

I

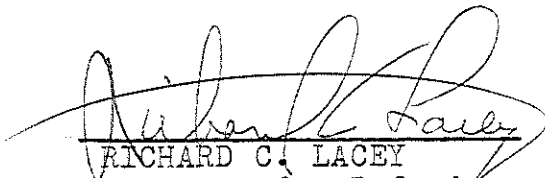
The Complaint fails to state a cause of action.

II

Complaint is vague, unclear and ambiguous.

III

Complaint in Count 3 thereof states that there is a verified itemized account along with said Complaint contrary to Alabama law.

  
RICHARD C. LACEY  
Attorney for Defendant


Defendant moves the Court to remove this cause to the Circuit Court of Baldwin County, Alabama and respectfully requests a trial by jury.

  
RICHARD C. LACEY

LANIER P. ANGLE, ) IN THE JUSTICE COURT OF  
Plaintiff, ) W. W. ROBERTS  
VS. ) DAPHNE, ALABAMA  
M. W. KIBBE, )  
Defendant )

Comes now the Defendant in the above styled cause and files this her petition for a continuance on the grounds that she was not notified of the date and place of said trial before 10:00 A.M. on this date and was unable to obtain leave from her work today to appear before this Court.

Respectfully submitted,

  
RICHARD C. LACEY,  
Attorney for Defendant

**RICHARD C. LACEY**  
*Attorney-At-Law*  
FAIRHOPE, ALABAMA 36532

August 19, 1969

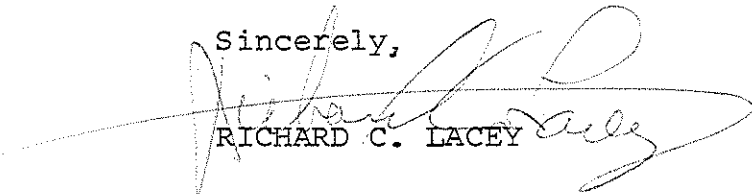
Hon. W. W. Roberts  
Justice of Peace  
Rt. 2, Box 388  
Daphne, Alabama 36526

RE: Angle vs. Kibbe

Dear Judge Roberts:

I am enclosing notice of appeal to the Circuit Court of Baldwin County. Please inform me when this has been accomplished. Thank you.

Sincerely,

  
RICHARD C. LACEY

RCL/dt  
ENCLS.

LANIER P. ANGLE,

Plaintiff

VS.

M. W. KIBBE,

Defendant

)

)

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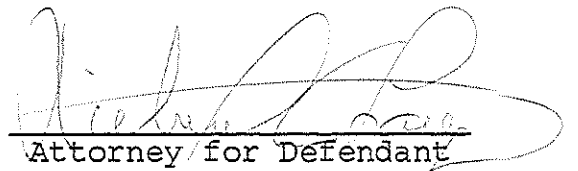
IN THE JUSTICE COURT OF

W. W. ROBERTS

DAPHNE, ALABAMA

NOTICE OF APPEAL

Comes now the Defendant in the above styled cause and files this her notice to appeal the cause to the jurisdiction of the Circuit Court of Baldwin County, Alabama and respectfully requests said Circuit Court that she be granted a trial by jury.

  
Attorney for Defendant

LANIER P. ANGLE,  
Appellee

Vs

MARY W. KIBBE,  
Appellant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 9012

AT LAW

Now comes Lanier P. Angle, styled as appellee in above entitled cause, appearing specially and only for the purpose of filing this plea, and says that Mary W. Kibbe, appellant aforesaid, ought not to have and maintain her said action for that the appellee avers separately and severally, as follows, to wit:

FIRST

Appellant failed or refused to provide notice of appeal from judgment in Justice Court of W.W. Roberts, Daphne, Alabama within five days from date of rendition thereof, to wit: the 12th day of August, 1969; as is required by law.

SECOND

Appellant failed or refused to provide bond for appeal; for the appellate costs, or otherwise; within five days from date of rendition of aforesaid judgment; as is required by law.

THIRD

Appellant failed or refused to seek or require issuance by said Justice Court of statutory Notice to Appellee and personal service thereof; as is the mandate of law in such cases.

FOURTH

Appellant failed or refused to prosecute her formal written demand for trial by jury in the Circuit Court of Baldwin County, Alabama and no consent for withdrawal of such demand has been made by appellee.

FIFTH

Appellee shows that this case stood for non jury civil trial at 1:00 P.M. on, to wit: the 12th day of February, 1970 in said Circuit Court; six months after rendition of judgment in said Justice Court without bond for appeal or statutory notice to appellee first obtained and personally served on said appellee.

SIXTH

On motion of appellee to dismiss said action which was by his special appearance filed, heard and adjudged, ore tenus, with all parties present, by said Circuit Court on, to wit: the 12th day of February, 1970; the Court ordered appellant to provide bond for costs of appeal, and trial by jury. As at July 15, 1970, the records of the Circuit Court of Baldwin County, Alabama show that no compliance has been made by appellant with said Order.

LANIER P. ANGLE,  
Appellee

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

Vs

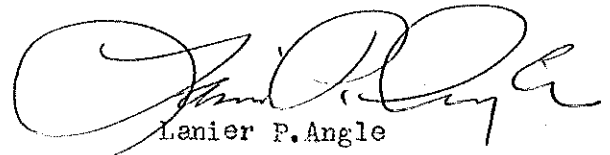
CASE NO. 9012

MARY W. KIBBE,  
Appellant

AT LAW

SEVENTH

Wherefore, appellee is subsequently informed that said cause is set for trial on August 4, 1970, notwithstanding laches of appellant hereinbefore cited, which he believes has and does now prevent and prohibit acquisition by this Honorable Court of jurisdiction to try and determine this cause. Therefore, he prays judgment that the same be and hereby is dismissed. This the 3rd day of August, 1970.

  
Lanier P. Angle

FILED

AUG 3 1970

ALICE J. DUCK CLERK  
REGISTER

LANIER P. ANGLE,  
Appellee

Vs

MARY W. KIBBE,  
Appellant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 9012

AT LAW

On motion of Lanier P. Angle in the above styled cause filed on, to wit:  
the 3rd day of August, 1970,

It is ORDERED, ADJUDGED AND DECREED that same be set down for hearing  
on \_\_\_\_\_

and that the parties be notified thereof.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Telfair J. Mashburn, Judge



Tacey <sup>to</sup> send order

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