JAMES R. OWEN
ATTORNEY AT LAW
110 COURTHOUSE SQUARE
BAY MINETTE, ALABAMA 36507

March 21, 1969

P. O. BOX 248 TEL: 937-2061 AREA CODE 205

Mrs. Jeanette Blackburn Clerk of the Civil Court Jefferson County Room 518 Jefferson County Courthouse Birmingham, Alabama 35200

Dear Mrs. Blackburn:

I enclose plea in abatement in the case of Nelson Brantley Glass Company vs. D. H. D'Olive, which is case number J57912.

I would appreciate it if you would file this plea for me and give me notice when it is set for hearing, in the event the plaintiff will not admit that the plea is good.

Yours very truly,

JAMES R. OWEN

JRO/ers Enclosure

CC: McGowen & McGowen
Attorneys at Law
402 Massey Building

Birmingham, Alabama 35200

NELSON BRANTLEY GLASS COMPANY, INC., a corporation, Plaintiff,

IN THE CIVIL COURT OF

JEFFERSON COUNTY, ALABAMA

CASE NO. J57912

D. H. D'OLIVE,

VS.

Defendant.

PLEA IN ABATEMENT

Now comes the defendant in the above styled cause and, appearing specially and only for the purpose of filing this plea, pleas that this cause be abated in Jefferson County, Alabama, and as grounds therefor says:

- 1. That this is a cause of action ex contractu.
- 2. That the defendant is a resident of Baldwin County, Alabama.

WHEREFORE, the premises considered, defendant prays that this cause be abated in Jefferson County, Alabama.

D. H. D'Olive

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said State and County, personally appeared D. H. D'Olive, who is known to me and who being by me first duly sworn, deposes and says that he is the defendant in the above styled cause; that he signed the above plea in abatement and that the matters and facts contained therein are true and correct.

D. H. D'Olive

Sworn to and subscribed before me on this the 15th day of March, 1969.

Notary Public, Baldwin County, Alabama

Now comes the defendant and, without waiving his right to a ruling on the above and foregoing plea but, on the contrary, expressly insisting thereon, respectfully demands a trial by jury of this cause, should it reach trial on its merits.

Attorney for Defendant

C is tribute OF SERVICE

I certify that a copy of the foregoing pleading has been served upon couns of for all parties to this preceding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 25% day of March, 1969.

Alforney for refer,

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	FORM NO. 14—11-07—16M			
	ATTORNEY	NAME OF PARTIES	CAUSE OF ACTION	ITEMIZED BILL OF COSTS
	McGowen and	Nelson Brantley Glass Company, Inc.a corp.	\$3,000.00 note	COURT FEES
	McGowen		, , ,	Issuing Summons and Complaint\$
	D 6987			lesuingAlias Summons
	71	(Tarrant Brannh, Birmingham, Alabama)	plf. waives any claim for	IssuingAlins Summons
	1 2 h	10 m n101.	damages in excess of \$3,000.00	Induing Subpoens, each witness
	James N. Jule	M.H.D'Olive	order to come within the	Issuing Subpoena, each witness
	10 Courtlans	D.H.D'Olive	jurisdiction of this court.	Issuing Exe, and taxing cost 1
	Bay Month	(1415 Hand Avenue, Bay Minette, Alabama)	jurisdiction of this court.	Issuing Alias Execution
	8 2,50	(a 13 hand havened, bdy handelet, Alabama)		Isguing Attachment Writ
	DATE RECEIPT NO.	RECEIVED OF AMOUNT JUDGMENT DATE RECEIPT NO.	RECEIVED OF AMOUNT HIDGMENT	Bond and Affidavit
serie.			RECEIVED OF AMOUNT JUDGMENT	Issuing Transcript
				Writ of Detinue
				Garnishment and Notice1
				Garnishment and Notice1
				Garnishment and Notice1
				Docketing Cause to 1,000.006
				Douketing Cause over 1,000.00 9.
.5.3	DATES			Issuing Commission at Mi
	DATES	DISPOSITION OF CASE		Interrogatories, 10c Page
	3-5-69	Affidavit and Bond Filed for	:	Attending Trial of Right of Property-Detinue 1.
		Wiit and Summons and Complaint issued, ret.	4-2-69	Sci. Fa. or Notice in nature thereof
	3-11-69	// ret. executed by Melvin	Postor Charies OII +	Transfer of Case
				Notice to Defendant—Statement of Assets 1.6
		Taylor Saylor Saylor	Wilkens Deputy Sheriff	Citation to Defendant-Statement of Assets 1.6
	******		Jefferson County, Ala.	Appeal Bond, Trans. and Notice 3.0
	2 01 1			Liberty Tax
	3-26-69	Plea i abotent file O.		SHERIFF'S FEES Serving Summons 2.5
	APR 2 196 9	On motion of states of motidio of -7-69	2:00 P.M. THE TOT DEEL monthled for mail	Serving Summons 2.5
	MAY 7 196 9	On motion of Pirties - Plus cont'd to 6 - 469 at 2	2:00 F.W Also, for nominal in Zam	Entering Return2
	JUN 4 1989	On motion of Batis Plans cont'd to 7-9-69 at 3	OO P.M. 'And Not Delty notified by made	Serving Summons each witness
	კუ <u>ს</u> 9 1969	Case:		Serving Summons each witness
		Case is continued as Inactiva.	and the state of t	Serving Garnishment 2.5
				Levying Attachment 7.50 Serving Gar. on Judgment 2.50
	DEC 2 2 1969	Defendant	2.00	Levying Execution 3:00
	Annual State Control of the Control	Defendant's plea in abatement granted and this cause is hereb	y transferred to Baldwin	Making Money, 5%, not less than 75c
	and find the second of	County Court, Bay Minette, Ala.	and the costs of the	ServingNotice etc., on each party therein 2.5 ServingNotice etc., on each party therein 2.5
		Proceeding in this Court are hereby taxed to Plaintiff.	mold Deen	Serving Sci. Fa. or other like notice 2.5
	and the state of t	The state of the s	Judge.	Taking Bond2.0
				Taking Property Levied on7.5
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		and the second of the second o		Witness Fees
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		JAN O		
		- 1	CLERK	Miscellaneous
			REGISTER	
				RECEIPTS
		I Jan Anderson, in my capacity:	es Clerk of the Civil Court of Jellerson County, hereby	Poss Library Tax
		confine the above is a true and com	est exemplification of all the minutes, orders and other	Paid Court Fees
I	- 1	proceedings in the above styled case in	this Court.	
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		Winness my hand, this 3/day of	De 169	
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			and blakers	