

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA, AT LAW

CASE NO. 30850 - BOLLING

COLE & WYATT
BY: C.H. WYATT, JR.
1801 9th Avenue South
Birmingham, Alabama

SCOTT SOUTHERN DIVISION EMPLOYEES CREDIT UNION

N.J.

VS. Suit for \$675.90 w/interest due by mortgage
Atty's fee \$155.18 (WAIVER)

JOHN V. DUCK
Attorney at Law
P.O. Drawer Y, Fairhope, Alabama 36532

L. WHITNEY CADWELL, JR.

JURY

PLEADINGS, PROCESS, ETC,

* FILING DATE *

1. Complaint & Summons

* 2-11-70 *

* C & S served on L. Whitney Cadwell, Jr. on February 17, 1970.

2. Plea in Abatement

* 3-12-70 *

* March 20, 1970 - Plea in Abatement sustained and cause ordered
transferred to Circuit Court of Baldwin County.
/s/ William D. Bolling, Judge

40-535

I, JOHN E. MANDEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court.

In Witness whereof I have hereunto set my hand and attached my Official Seal as such Clerk of said Court at Mobile, Mobile County, Alabama, on this the 23rd day of March, 19 70.

John E. Mandeville Clerk

FILED

MAR 24 1970

ALICE J. COBB CLERK REGISTER

64 PAGE 632

3 VOL

705-9175

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT
13th JUDICIAL CIRCUIT OF ALABAMA

To any Sheriff of the State of Alabama--Greetings:

You are hereby commanded to summon L. Whitney Cadwell, Jr. to appear before the Circuit Court, to be held for said County, at the place of holding the same, within thirty days from service of this process, then and there to answer the complaint of Scott Southern Division Employees Credit Union, (a corp).

Witness my hand, this _____ day of _____, 1970.

Clerk, Circuit Court

#30850

C O M P L A I N T

Scott Southern Division
Employees Credit Union

VS.

L. Whitney Cadwell, Jr.

Plaintiff claims of the Defendant the sum of Six-hundred seventy-five and 90/100--Dollars due by Chattel Mortgage made by defendant on to-wit: 9th day of May, 1969, and payable with interest, and Plaintiff avers that as part of said instrument defendant waived his right to exemption as to personal property and agrees to pay a reasonable attorney's fee which he also claims, to-wit: \$155.18. Plus interest of 1% per month.

Scott Southern Division
Employees Credit Union (a corp)
P.O. Box 2447
Mobile, Alabama
PLAINTIFF

C. H. Wyatt Jr.

Plaintiff's Attorney
Cole & Wyatt, Attorneys
1801 9th Avenue South,
Birmingham, Alabama.

L. Whitney Cadwell, Jr.
#16 Brown St.
Fairhope, Alabama
DEFENDANT

STATE OF ALABAMA
I CERTIFY THIS PLEADING
WAS FILED IN

FEB 11 8 27 AM '70

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:
You are hereby commanded to summon
L. WHITNEY CADWELL, JR.

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,
at the place of holding the same, then and there to answer the complaint of
SCOTT SOUTHERN DIVISION EMPLOYEES CREDIT UNION

WITNESS: John E. Mandeville, Clerk of said Court, this 11th day of February, 1970

Attest: John E. Mandeville
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19____ and on _____ day
of _____, 19____, I served a copy of
the within _____ on _____
by service on _____

RAY D. BRIDGES, SHERIFF

By _____ D.S.

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 7.00
BY TAYLOR WILKINS, Sheriff
DEPUTY SHERIFF Good
FEB 11 4 02 PM '70

Received 13 day of January 19 70
and on 17 day of February 19 70
I served a copy of the within on L. Whitney Cadwell
and Whitney Cadwell
By service on L. Whitney Cadwell
TAYLOR WILKINS, Sheriff
By C. H. Wyatt D. S.

mailed
No. 30850
JUDGE _____ DOCKET

CIVIL DIVISION
CIRCUIT COURT
MOBILE COUNTY

Scott Southern Division
Employees Credit Union

VS. } Complaint and Summons

L. Whitney Cadwell, Jr.

Issued 11th day of February, 19 70

Defendant's Address
L. Whitney Cadwell, Jr.
#16 Brown St.
Fairhope, Alabama

C. H. WYATT, JR.
Plaintiff's Attorney

SCOTT SOUTHERN DIVISION,
EMPLOYEES CREDIT UNION, a
corporation,

Plaintiff,

vs.

L. WHITNEY CADWELL, JR.,

Defendant.

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
AT LAW, CASE NO. 30850

PLEA IN ABATEMENT

Comes now the Defendant, L. WHITNEY CADWELL, JR., and shows unto the Court that this cause should be abated, and for grounds therefor assigns the following separately and severally:

1. That the Defendant at the time that this cause of action arose, was a resident citizen of Baldwin County, Alabama and is presently a citizen of Baldwin County, Alabama and was a resident of Baldwin County, Alabama at the time said suit was brought, and that Mobile County has no jurisdiction over this cause, and hence this action should be abated.

L. Whitney Cadwell Jr.
L. WHITNEY CADWELL, JR.

The Defendant hereby demands a trial by jury.

L. Whitney Cadwell Jr.
L. WHITNEY CADWELL, JR.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared L. WHITNEY CADWELL, JR., who being by me first duly and legally sworn, doth -epose and say that the matters and facts alleged in the foregoing Plea in Abatement are true and correct.

L. Whitney Cadwell Jr.
L. WHITNEY CADWELL, JR.

Sworn to and subscribed before
me this 10th day of March, 1970.

Lucia H. Hylle
NOTARY PUBLIC

STATE OF ALABAMA
I CERTIFY THIS PLEADING
WAS FILED ON

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 10th day of March, 1970.
[Signature]
Attorney for Defendant

FRIDAY, MARCH 20, 1970

SCOTT SOUTHERN DIVISION
EMPLOYEES CREDIT UNION

BOLLING -VS- 30850

L. WHITNEY CADWELL, JR.

PLEA IN ABATEMENT SUSTAINED,
AND CAUSE ORDERED TRANSFERRED
TO CIRCUIT COURT OF BALDWIN
COUNTY

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed March 12, 1970, to the complaint in this cause, coming on to be heard and being argued by counsel and understood by the Court;

It is ordered and adjudged by the Court that defendant's said Plea in Abatement filed March 12, 1970, to the complaint in this cause be, and the same is hereby sustained, and case ordered transferred to the Circuit Court of Baldwin County, Alabama.

Minute Book 40

Page 535

STATE OF ALABAMA, }
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

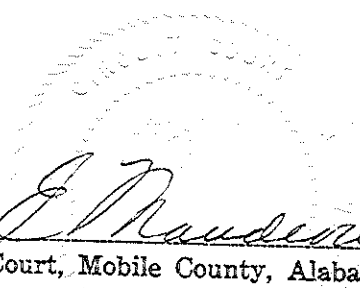
as rendered by the said Circuit Court on the 20th day of March, 19 70, in the cause
entitled No. 30850 - SCOTT SOUTHERN DIVISION EMPLOYEES CREDIT UNION

_____, Plaintiff,
— versus — L. WHITNEY CADWELL, JR.

Defendant, (~~TOGETHER WITH THE CONFESSION THEREON~~), as the same remains of record in this office in
Minute Book No. 40, Page No. 535

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office
in the City of Mobile, Alabama, on this the 23rd day of March, 19 70

ATTEST:


John E. Mandeville
Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

SCOTT SOUTHERN DIVISION EMPLOYEES CREDIT UNION

Plaintiff

No. 30850

VS.

L. WHITNEY CADWELL, JR.

Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957
Appvd. Sept. 20, 1957)
(Amend Sec. 21, Title 11, Code Ala. 1940)

BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

| CLERK'S FEES | Pltff. | Deft. | SHERIFF'S FEES | Pltff. | Deft. |
|--|--------|-------|---|--------|-------|
| Suits for \$100 or less\$ 6.00 | | | Mileage \$7.00 | | |
| Suits for over \$100 but less than \$1,000 10.00 | 10 00 | | Serving Summons & Complaint\$ 1.50 | 8 50 | |
| Suits for \$1,000 and over 20.00 | | | Serving Writ of Garnishment 1.50 | | |
| Suits in detinue, ejectment, etc. 10.00 | | | Serving Sci Fa.-Notices 1.50 | | |
| Suits not otherwise provided 10.00 | | | Levying Attachment & Return 6.25 | | |
| Writs, Mandamus, Prohibition, etc. 15.00 | | | Executing Writ Possession 5.00 | | |
| Appeals from Court General Sessions 15.00 | | | Seizing personal property under Writ of Detinue 6.00 | | |
| Appeals from Probate Court 20.00 | | | Serving subpoenas, each75 | | |
| Appeals from JP Courts 6.00 | | | Impanelling Jury75 | | |
| Appeals from State Dept of Pub. Safety, and other State Agencies 10.00 | | | Taking & Approving Bond 2.00 | | |
| Workmen's Compensation Settle. 10.00 | | | Collecting Costs Execution 1.50 | | |
| Garnishment on Judgment 6.00 | | | Serving Contempt Writ 1.50 | | |
| Order of Sale, Motions to sell. 6.00 | | | Making Deed for Property sold 2.50 | | |
| Recording executions from State Agencies 3.00 | | | Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$ | | |
| Cert. Copy of Record - per 100 words15 | 80 | | | | |
| Taking Appeal Bond75 | | | Total\$ | 8 50 | |
| Record for Supreme Court etc., per 100 words15 | | | | | |
| Add'l Copies of Record for Supreme Court, per 100 words05 | | | RECAPITULATION | | |
| Checking - including Reporters Transcript of Evidence 10.00 | | | Clerk 10 80 | | |
| Certifying Abstract in lieu of Transcript on Appeal 5.00 | | | Sheriff <u>Taylor Wilkins</u> <u>Baldwin County</u> 8 50 | | |
| Collecting Money on Judgments over 30 days old, ½ the per- centage allowed Sheriffs \$ | | | Inferior Civil Court | | |
| | | | Justice Peace fees | | |
| | | | Witness fees | | |
| | | | Commissioner's fees | | |
| | | | Certificate of Judgment | | |
| | | | Judgment | | |
| | | | 10% Damages | | |
| | | | Interest | | |
| | | | Stenographer's fees (\$10.00 Day) | | |
| | | | Library fee 1.50 | 1 50 | |
| | | | Trial Tax (County) 1.50 | 1 50 | |
| | | | Trial Tax (State) 1.50 | 1 50 | |
| | | | Advertisement | | |
| | | | Garnishee's fees | | |
| Total\$ | 10 80 | | | | |

\$23.80

I respectfully beg to advise that if this bill
for costs is not paid before _____
19_____, it will be my unpleasant duty to issue
execution for same.

JOHN E. MANDEVILLE, Clerk

SCOTT SOUTHERN DIVISION
EMPLOYEES CREDIT UNION,
(A CORP.)
VS.

IN THE CIRCUIT COURT

L. WHITNEY CADWELL, JR.

OF BALDWIN COUNTY, ALABAMA

DEFENDANT

CASE NO. 9175

MOTION OF DISMISSAL

TO THE HONORABLE JUDGE OF SAID COURT:

8122
Comes now Plaintiff in the above entitled and numbered cause, and states to the Court that he no longer desires to prosecute this cause at this time and, accordingly, respectfully moves the Court to dismiss this cause without prejudice at the cost of Plaintiff.

COLE & WYATT, ATTORNEYS

By _____

Attorneys For Plaintiff

ORDER OF DISMISSAL

On this the _____ day of _____, 197_, came on to be heard the above and foregoing Motion of Dismissal, and the Court having considered said Motion and having been fully advised in the premises, and being of the opinion that the same should be granted:

IT IS ACCORDINGLY ORDERED, ADJUDGED AND DECREED by the Court that this cause be, and the same is hereby, dismissed without prejudice at the cost of Plaintiff, for which let execution issue.

Judge

SCOTT SOUTHERN DIVISION
EMPLOYEES CREDIT UNION,
(A CORP.)
VS.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA

L. WHITNEY CADWELL, JR.

CASE NO. 8175

DEFENDANT

MOTION OF DISMISSAL

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Plaintiff in the above entitled and numbered
cause, and states to the Court that he no longer desires to
prosecute this cause at this time and, accordingly, respectfully
moves the Court to dismiss this cause without prejudice at the
cost of Plaintiff.

COLB & WYATT, ATTORNEYS

By

Attorneys for Plaintiff

ORDER OF DISMISSAL

On this the _____ day of _____, 197____, came on to
be heard the above and foregoing Motion of Dismissal, and the
Court having considered said Motion and having been fully advised
in the premises, and being of the opinion that the same should be
granted:

IT IS ACCORDINGLY ORDERED, ADJUDGED AND DECREED BY
the Court that this cause be, and the same is hereby, dismissed
without prejudice at the cost of Plaintiff, for which let
execution issue.

Judge

9175

SCOTT SOUTHERN DIVISION
EMPLOYEES CREDIT UNION,
(A CORP.)
VS.

IN THE CIRCUIT COURT

L. WHITNEY CADWELL, JR.

OF BALDWIN COUNTY, ALABAMA

DEFENDANT

CASE NO. 9175

MOTION OF DISMISSAL

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Plaintiff in the above entitled and numbered cause, and states to the Court that he no longer desires to prosecute this cause at this time and, accordingly, respectfully moves the Court to dismiss this cause without prejudice at the cost of Plaintiff.

FILED

AUG 17 1970

ALICE J. DUCK

CLERK
REGISTER

COLE & WYATT, ATTORNEYS

By

Charles H. Wyatt

Attorneys For Plaintiff

ORDER OF DISMISSAL

On this the 25 day of August 1970, came on to be heard the above and foregoing Motion of Dismissal, and the Court having considered said Motion and having been fully advised in the premises, and being of the opinion that the same should be granted:

IT IS ACCORDINGLY ORDERED, ADJUDGED AND DECREED by the Court that this cause be, and the same is hereby, dismissed without prejudice at the cost of Plaintiff, for which let execution issue.

Julian J. Marshall

Judge

FILED

AUG 25 1970

ALICE J. DUCK

CLERK
REGISTER

VOL

64 PAGE 638