

9512

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

CASE NO. 28685 - CAFFEY

B. BLACKBURN and
AMES R. OWEN
10 Courthouse Square
Day Minette, Alabama 36507

BAILEY T. DeBARDELEBEN and RICHARD P. EGAN,
Surviving Trustees of DeBardeleben Employee's
Retirement Plan

N.J.

VS. Suit for \$4,586.60 w/interest due for money
paid by Plaintiffs for the Defendant

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON - Paul W. Brock

EDWARD J. BUCK

N.J.

FILED
OCT 6 1970
ALICE J. DUCK
CLERK
REGISTER

PLEADINGS, PROCESS, ETC, * FILING DATE *

- 1. Complaint and Summons * 5-29-68 *
- 2. Plea in Abatement * 8-7-69 *

C & S served on Defendant on July 11, 1969.

October 2, 1970 - Plea in Abatement sustained and case ordered
transferred to Circuit Court of Baldwin County,
Alabama. /s/ Elwood L. Hogan, Judge

41-742

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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 5th day of October 1970.

John E. Mandeville, Clerk

STATE OF ALABAMA)
*
MOBILE COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Edward J. Buck to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Bailey T. DeBardeleben and Richard P. Egan, surviving trustees of DeBardeleben Employee's Retirement Plan.

WITNESS my hand this 29th day of May, 1969.

Clerk

Defendant's address is No. 3 Princess Ann Road, Mobile, Alabama.

#28695

* * * * *

BAILEY T. DeBARDELEBEN and)
RICHARD P. EGAN, surviving)
trustees of DeBardeleben)
Employee's Retirement Plan,)
Plaintiffs,)
VS.)
EDWARD J. BUCK,)
Defendant.)

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
AT LAW *9512*

C O M P L A I N T

COUNT ONE

The plaintiffs claim of the defendant the sum of Four Thousand Five Hundred Eighty-six and 66/100 Dollars (\$4,586.60) for money paid by the plaintiffs for the defendant on the 31st day of May, 1966, at his request which sum of money, with the interest thereon, is still unpaid.

J. B. BLACKBURN and
JAMES R. OWEN

By *[Signature]*

VOL **67** PAGE **276** Attorneys for Plaintiffs

*110 Courthouse Square
Bay Minette, Alabama 36507*

SECURITY FOR COSTS

I, James R. Owen, one of the attorneys for the plaintiffs in the above styled cause, do hereby acknowledge myself as security for costs in this cause.


James R. Owen

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

MAY 29 1 44 PM '69

VOL 67 PAGE 27 
CLERK

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

EDWARD J. BUCK

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

BAILEY T. DeBARDELEBEN and RICHARD P. EGAN, surviving trustees

of DeBardeleben Employee's Retirement Plan

WITNESS: John E. Mandeville, Clerk of said Court, this 29th day of May, 19 69

Attest: John E. Mandeville
Clerk

SHERIFF'S RETURN

Received 30 day of May, 1969 and on 11 day
of July, 1969, I served a copy of
the within copy on

by service on Edward J. Buck

RAY D. BRIDGES, SHERIFF

By John Thomas D.S.

No. 28695 - e

JUDGE _____ DOCKET _____

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

Bailey T. DeBardleben, et al

VS. } Complaint and Summons

EJB
Edward J. Buck

Issued 29th day of May, 19 69

Defendant's Address
3 Princess Ann Road
Mobile, Alabama

JAMES R. OWENS
Plaintiff's Attorney

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

30TH FLOOR-FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

October 1, 1970

MAILING ADDRESS:
P. O. DRAWER C
OR P. O. BOX 123

CABLE ADDRESS:
HAB
TELEPHONE
432-5511
AREA CODE 205

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD D. PARKMAN
G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPHEN G. CRAWFORD
JERRY A. MCDOWELL
W. RAMSEY MCKINNEY, JR.
LARRY U. SIMS
A. CLAY RANKIN, III
EDWARD A. HYNDMAN, JR.
MICHAEL D. KNIGHT
G. HAMP UZZELLE, III
THOMAS GUY GREAVES, III

The Honorable Hubert P. Robertson
Mobile County Circuit Court
Mobile County Court House
Mobile, Alabama

Re: Bailey T. DeBardleben vs. Edward J. Buck
Circuit Court Case Number 28,695

Dear Sir:

Pending in this case is the defendant's plea in abatement. The plaintiff's attorney, James R. Owen, Esq., has agreed that this plea in abatement be granted, inasmuch as he has filed an identical action in the Circuit Court of Baldwin County, and I have filed a general appearance for the defendant in that case.

Accordingly, if Your Honor would enter an order abating the above action, it would be in accordance with the understanding of the parties.

Thank you for your help.

Yours very truly,

Paul Brock

For the Firm
STATE OF ALABAMA CO.
I CERTIFY THIS PLEADING
WAS FILED ON

PWB.es

cc: James R. Owen, Esq.

OCT 2 9 25 AM '70

Paul Brock
CLERK

BAILEY T. DeBARDELEBEN)
and RICHARD P. EGAN,)
surviving trustees of De-)
Bardeleben Employee's)
Retirement Plan,)
)
Plaintiffs,)
)
versus)
)
EDWARD J. BUCK,)
)
Defendant.)

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
AT LAW
CASE NO. 28,695 - C

PLEA IN ABATEMENT

Comes now the defendant in the above cause and appears solely and specially for the purpose of filing the following pleas in abatement, separately and severally, and for no other reason, and, without submitting to the jurisdiction of this court, but pleading in abatement, says the following, separately and severally:

1. That plaintiffs cannot maintain this action or must elect whether to maintain this action inasmuch as, at the time of the filing of the complaint here, there was pending in the Circuit Court of Baldwin County, Alabama, an action for the same cause brought by the same plaintiffs against this same defendant, said action being Case No. 8732 on the docket of said court, at law.

Paul W. Brock

PAUL W. BROCK
Trial Attorney for said Defendant
30th Floor, First National Bank Bldg.
Mobile, Alabama

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

STATE OF ALABAMA)
)
COUNTY OF MOBILE)

Before me, Theodora Ferniany, a Notary Public in and for said county in said state, personally appeared PAUL W. BROCK, who, being duly sworn, deposes and says that he is the attorney of record for Edward J. Buck, defendant in the above cause, and that he is informed and believes and, based upon such information and belief, avers that the facts set forth in the above Plea in Abatement are true and correct.

Paul W. Brock
PAUL W. BROCK

Subscribed and sworn to before me on this, the 7th day of August, 1969.

Theodora Ferniany
Notary Public, Mobile County, Alabama

S E R V I C E

This is to certify that on the 7th day of August, 1969, a copy of the foregoing Plea in Abatement was mailed, postage prepaid, to the attorneys for the plaintiffs, J. B. Blackburn, Esq. and James R. Owen, Esq. at 110 Courthouse Square, Bay Minette, Alabama 36507.

Paul W. Brock
PAUL W. BROCK

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

AUG 7 4 53 PM '69

John Marshall
CLERK

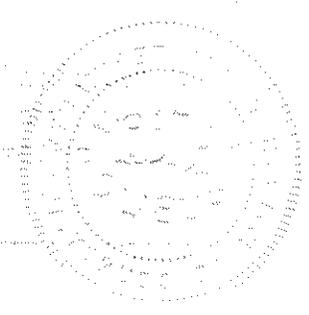
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Y. D. Blackburn
+ James R. Owen
110 Courthouse Square
Bay Minette, Ak. 36507

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FRIDAY, OCTOBER 2, 1970

BAILEY T, DeBARDELEBEN and)	
RICHARD P. EGAN, surviving)	PLEA IN ABATEMENT SUSTAINED,
trustees of DeBardleben's)	AND CASE ORDERED TRANSFERRED
Employee's Retirement Plan)	TO CIRCUIT COURT OF BALDWIN
)	COUNTY, ALA.
HOGAN -vs- 28695)	
)	
EDWARD J. BUCK)	

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed August 7, 1969, 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 August 7, 1969, in this cause be, and the same is hereby sustained, and case ordered transferred to the Circuit Court of Baldwin County, Alabama.

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Page 742

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 2nd day of October, 1970, in the cause
entitled No. 28695 - BAILEY T. DeBARDELEBEN and RICHARD P. EGAN,
Surviving Trustees of DeBardeleben Employee's Retirement Plan, Plaintiff,
— versus — EDWARD J. BUCK

Defendant, (~~together with the captioned defendant~~), as the same remains of record in this office in
Minute Book No. 41, Page No. 742

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 5th day of October, 19 70.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

