

9512

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

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 DeBardleben 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 19 70.

*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. DeBardleben and Richard P. Egan, surviving trustees of DeBardleben 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 DeBardleben  
Employee's Retirement Plan,

Plaintiffs,

VS.

EDWARD J. BUCK,

Defendant.

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

AT LAW 9512

# COMPLAINT

## 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

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Attorneys for Plaintiffs

110 Courthouse Square  
Bay Minette, Alabama 36507

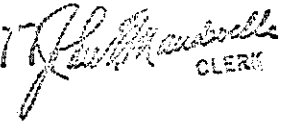
SECURITY FOR COSTS

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, 1969

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 on

by service on

*Edward J. Buck*

RAY D. BRIDGES, SHERIFF

By

*John Thomas*

D.S.

No. 28695 - C

JUDGE \_\_\_\_\_ DOCKET \_\_\_\_\_

CIVIL DIVISION

**CIRCUIT COURT**  
MOBILE COUNTY

Bailey T. DeBardleben, et al

VS. } Complaint and Summons

*2-14-69*  
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

CHAS. C. HAND  
C. S. 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  
O. HAMP UZZELLE, III  
THOMAS GUY GREAVES, III

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

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

*John Handville*  
CLERK



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

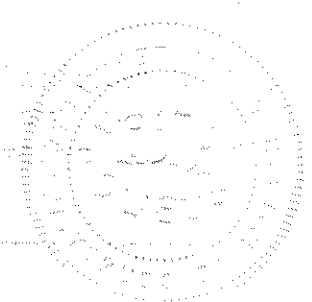
Phil Marshall  
CLERK



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

TO THE HONORABLE  
JAMES R. OWEN  
110 COURTHOUSE SQUARE  
BAY MINETTE, ALABAMA 36507  
FROM THE HONORABLE  
Y. B. BLACKBURN  
110 COURTHOUSE SQUARE  
BAY MINETTE, ALABAMA 36507  
RE: [illegible]

TO THE HONORABLE  
JAMES R. OWEN  
110 COURTHOUSE SQUARE  
BAY MINETTE, ALABAMA 36507



TO THE HONORABLE  
JAMES R. OWEN  
110 COURTHOUSE SQUARE  
BAY MINETTE, ALABAMA 36507  
FROM THE HONORABLE  
Y. B. BLACKBURN  
110 COURTHOUSE SQUARE  
BAY MINETTE, ALABAMA 36507  
RE: [illegible]

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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STATE OF ALABAMA, }  
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

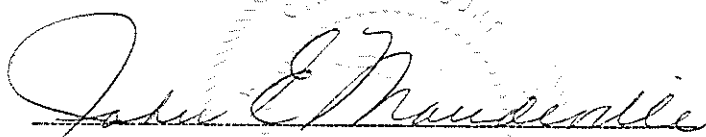
I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby  
certify that the foregoing is a full, true and correct copy of Order of Court

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 cancellation thereof~~), 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.

JOHN E. MANDEVILLE, Clerk