

FILED IN OFFICE

DIXIE EQUIPMENT COMPANY,  
INC.

SEP 8 1970

Plaintiff,

JULIAN SWIFT

IN THE CIRCUIT COURT OF

vs.

JEFFERSON COUNTY, ALABAMA

CHARLES FINCHER, individually  
and CHARLES FINCHER d/b/a  
FINCHER BULLDOZING COMPANY

BIRMINGHAM DIVISION

CASE #28247

Defendants.

PLEA IN ABATEMENT

Comes the Defendant, Charles Fincher, in the above styled cause, and appearing especially for the purpose of filing the following plea in abatement, and for no other purpose, pleas in abatement to the complaint filed in this cause, and to each count thereof as follows, separately and severally:

1.

That this Honorable Court is without jurisdiction of the cause of action sued on in this:

That he has been a resident, continuously of Baldwin County, Alabama, all of his life, and that he is not, nor has he ever been a resident of Jefferson County, Alabama.

THEREFORE, the Defendant says, he cannot be sued in Jefferson County, Alabama, and that the Circuit Court of Jefferson County, Alabama, has no jurisdiction of the cause of action made the basis of this suit, and that this Court ought not to take further jurisdiction of this cause.



Charles Fincher, individually and d/b/a  
Fincher Bulldozing Company

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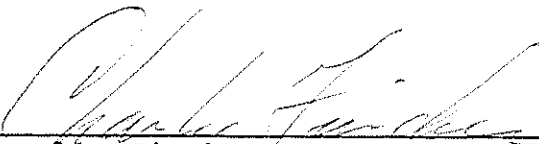
SEP 11 1970

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STATE OF ALABAMA

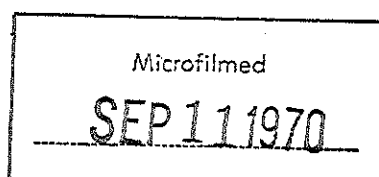
BALDWIN COUNTY

Before me, Amelia G. Perkins, a Notary Public, in and for said County, in said State, personally appeared Charles Fincher, who, being by me first duly sworn, deposes and says, that he is the Defendant in the above styled cause, and that he is cognizant of the facts stated in the above and foregoing plea in abatement, and that the facts stated in the above and foregoing plea in abatement, are true to the best of his knowledge, information and belief.

  
Charles Fincher

Sworn to and subscribed before me this the 2nd day of  
September, 1970.

  
Notary Public,



No. 28247STATE OF ALABAMA  
Jefferson CountyCIRCUIT COURT  
Tenth Judicial CircuitDelec Equipment Co., Inc.

VS.

Charles. Fincher, Ind. & EPLFincher Bulldozing Co.

CLERK'S FEES	RATE	AMOUNT
Filing suit for not over \$100	\$ 6.00	
Filing suit over \$100 & not over \$1,000	10.00	
Filing suit for not less than \$1,000	20.00	<u>20 00</u>
Transfers and appeals from Probate	20.00	
Filing detinue or ejectment	10.00	
Appeals from Civil Court of Jeff. Co.	15.00	
Appeals from courts of \$100 jurisdic.	6.00	
Appeals from Dept. of State	10.00	
Filing Mandamus, Cert., etc.	15.00	
Filing Workmen's Comp. Settlement	10.00	
Filing ancillary proceeding	6.00	
Filing motion to sell real property	6.00	
Execution issued by State	3.00	
Application Habeas Corpus	6.00	
Filing any proceeding not otherwise provided for	10.00	
Certified copies		
Making Transcript for appeals		
Filing Bond on appeal	.75	
Transcript of evidence	10.00	
Filing papers on appeal	.10	
Issuing notices of appeals	.75	
Copies	.75	
Certificate of appeal		
THIS AMOUNT CARRIED FOR'D.		<u>20 00</u>

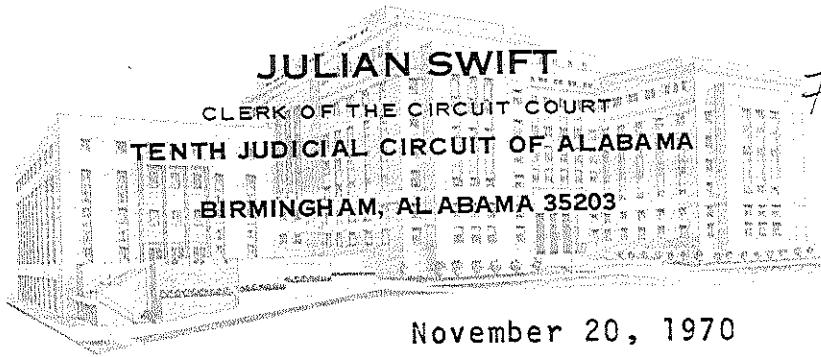
SHERIFF'S FEES	RATE	AMOUNT
Serving any summons or other process	\$2.50	
Serving subpoenas	.75	
Levying Attachment	6.00	
Entering and returning same	.25	
Impaneling jury	.75	
Collecting cost under execution	1.50	
Approving Bond	2.00	
Serving Attachment for contempt	1.50	
Making deed	2.50	
Writ of Restitution	5.00	
Seizing Personal Property	7.50	
½ Commission		
Recording Levy		
Notice of Levy	1.50	
Publication		
Drayage and Storage		
Mileage (O.C.)		
THIS AMOUNT CARRIED FOR'D.		<u>—</u>

RECAPITULATION	AMOUNT
<u>10-21-73</u> Judgment <u>Fincher to Bulldozing Co</u>	<u>—</u>
10% Damages	
Interest from	
Clerk (County)	<u>20 00</u>
Clerk's ½ Commission	
Sheriff (County)	
Witnesses	
Court of General Sessions	
Probate Court	
Civil Court of Jefferson County	
Pltff's. Secy. State Fee	
Commissioner	
Publisher	
Hospital Record	
Sheriff other Counties	<u>1 90</u>
" " "	
" " "	
" " "	
Garnishee	
State Trial Tax	<u>3 00</u>
Library Tax	<u>1 00</u>
TOTAL JUDGMENT AND FEES	<u>25 90</u>

SEE  FOR TOTAL

Make check for above amount payable to Julian Swift, Clerk Circuit Court, Birmingham, Alabama. Payable within thirty days.

MRS. BEATRICE PORTER,  
CHIEF CLERK



# 9572

FILED

November 20, 1970

NOV 23 1970

Honorable Alice J. Duck, Clerk:

**ALICE J. DUCK** CLERK  
REGISTER

Minute Entry

28247 Dixie Equipment Company, Inc. ) Present and Presiding,  
vs ) Cecil M. Deason,  
Charles Fincher, Individually; and ) Judge of Circuit Court.  
Charles Fincher d/b/a Fincher  
Bulldozing Company

On this the 21st day of October, 1970, came the parties by their attorneys, and plaintiff confesses defendant's plea in abatement, whereupon,

It is ordered and adjudged by the court that this cause be and the same is hereby transferred to the Circuit Court of the Twenty Eighth Judicial Circuit, Bay Minette, Baldwin County, Alabama, pursuant to Title 7, Section 64 (1 & 2), Code of Alabama 1940, Recompiled 1958.

I do hereby certify that the above is a true and correct copy of the Minute Entry in the above styled cause, found in Minute Book 310, on page 325.

*Julian Swift*  
Julian Swift, Clerk

JUL 14 1970

NO. 28217

JULIAN SWIFT

CLERK

STATE OF ALABAMA,

JEFFERSON COUNTY.

## SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA,  
BIRMINGHAM DIVISION.

TO ANY SHERIFF OF THE STATE OF ALABAMA-GREETINGS:

You are hereby commanded to summon CHARLES FINCHER,  
INDIVIDUALLY; AND CHARLES FINCHER DOING BUSINESS AS FINCHER  
BULLDOZING COMPANY, to appear before the Circuit Court to be  
held for said County at the place of holding the same within  
thirty (30) days from service of this process, then and there  
to answer the Complaint of DIXIE EQUIPMENT COMPANY, INC.

Witness my hand and seal this the 22 day of \_\_\_\_\_July, 1970.

CLERK

DIXIE EQUIPMENT COMPANY, INC.

PLAINTIFF,

VS.

CHARLES FINCHER, INDIVIDUALLY; and CHARLES FINCHER, d/b/a  
FINCHER BULLDOZING COMPANY,

DEFENDANTS.

C O M P L A I N T

Plaintiff claims of the Defendants the sum of Four  
Thousand Sixty Dollars (\$4,060.00) due by Rental Contract made  
by Defendants on to-wit: February 16, 1970, plus interest from  
said date, and Plaintiff avers that as part of said Rental  
Contract Defendants waived their right of exemption as to  
personal property and agreed to pay a reasonable Attorney's  
fee which they also claim, to-wit: \$400.00.

LORANT, BOULOUKOS & KOPELOUSOS  
ATTORNEYS FOR PLAINTIFFBY: [Signature]

DEFENDANT-AT: 4601 1st Avenue North, Birmingham, Alabama.

SERVE-PLAINTIFFS AT: Loxley, Alabama.

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JUL 17 1970

28247

Expended Aug 1-70

Taylor Wilkins

H J Brown

40 miles RT

Tafly

Sheriff claims 40 miles at  
Ten Cents per mile Total \$ 4.00  
TAYLOR WILKINS, Sheriff  
BY Brown  
DEPUTY SHERIFF

Microfilmed

8-7-70

DIXIE EQUIPMENT COMPANY, X  
INC., X

Plaintiff, X

vs. X

CHARLES FINCHER, IND- X  
IVIDUALLY and CHARLES X  
FINCHER, d/b/a FINCHER X  
BULLDOZING COMPANY, X

Defendant X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9572

Comes now the Defendant in the above styled cause, and  
for answer to the Plaintiff's Complaint, says:

1.

Not guilty.

2.

Not guilty of the matters alleged therein.

WILTERS & BRANTLEY

BY: 

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 1 day of March,  
1971, served a copy of the foregoing pleading on counsel for all  
parties to this proceeding by mailing the same by United State  
Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

By: 

**FILED**

MAR 1 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

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*Handwritten text, possibly a signature or name, written diagonally.*



JUL 14 1970

NO. 28247

JULIAN SWIFT

CLERK

STATE OF ALABAMA,  
JEFFERSON COUNTY.

## SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA,  
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You are hereby commanded to summon CHARLES FINCHER,  
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held for said County at the place of holding the same within  
thirty (30) days from service of this process, then and there  
to answer the Complaint of DIXIE EQUIPMENT COMPANY, INC.

Witness my hand and seal this the 14 day of \_\_\_\_\_July, 1970.

CLERK

DIXIE EQUIPMENT COMPANY, INC.

PLAINTIFF,

VS.

CHARLES FINCHER, INDIVIDUALLY; and CHARLES FINCHER, d/b/a  
FINCHER BULLDOZING COMPANY,

DEFENDANTS.

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Contract Defendants waived their right of exemption as to  
personal property and agreed to pay a reasonable Attorney's  
fee which they also claim, to-wit: \$400.00.

LORANT, BOULOUKOS & KOPELOUSOS  
ATTORNEYS FOR PLAINTIFFBY: George H. Lant

DEFENDANT AT: 4601 1st Avenue North, Birmingham, Alabama.

SERVE PLAINTIFFS AT: Loxley, Alabama.

Microfilmed

JUL 17 1970

2 Copies

Please serve Charles Fincher, Individually; and Charles Fincher,  
d/b/a Fincher Bulldozing Company

No. 28247

JUL 22 1970

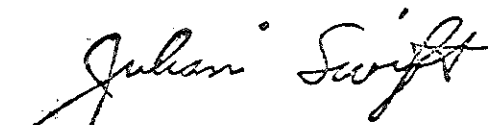
TAYLOR, VALENS  
SHERIFF

Birmingham, Alabama July 20, 1970

To the Sheriff Baldwin County,  
Bay Minette, Alabama

I enclose herewith a legal process to be served by you. Please serve and return direct to me. Claim any fee you may have directly under your return, and upon collection I will remit to you.

Please serve and return as early as possible.

  
\_\_\_\_\_  
Julian Swift, Clerk  
Jefferson County, Alabama  
307 Courthouse  
Birmingham, Alabama 35203

(If not found in your county please advise promptly, giving information as to present location, if possible.)

9572

enter

CR #

+ dates

0920  
35.00

832.03/s  
04 -

831.99 \*

16.50 <  
8.50

25.00 \*

136.20 <  
12.93  
18.00

167.13 \*

229

473.34 <  
14.20  
61.10