

9719

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

CASE NO. 33370 -

N.J.

HAND, ARENDALL, BEDSOLE, GREAVES  
& JOHNSTON  
BY: Louis E. Braswell

THE FIRST NATIONAL BANK OF MOBILE, a National Banking  
Association

FILED

VS. Suit for \$19,905.19 w/interest due by promissory note  
(WAIVER)

MAR 1 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

JURY

WILSON HAYES  
Attorney at Law  
P.O. Box 300 - Bay Minette, Ala. 36507

GEORGE T. FOWLER

PLEADINGS, PROCESS, ETC,	FILING DATE
1. Complaint & Summons	10-14-70
2. Plea in Abatement	11-20-70
3. Demand for Jury Trial	11-20-70
4. Demurrer (Pltff)	11-25-70

C & S served on George T. Fowler on October 30, 1970.

Plaintiff's demurrer filed November 25, 1970 to the Defendant's Plea in Abatement.  
Feb. 25, 1971 - Demurrer Overruled. /s/ Joseph M. Hocklander 42-577  
Feb. 25, 1971 - Plea in Abatement sustained, and Case ordered Transferred to the Circuit Court of Baldwin County, Alabama. 42-577

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 25th day of February 1971.


*John E. Mandeville* Clerk

THE FIRST NATIONAL BANK	§	IN THE CIRCUIT COURT OF
OF MOBILE, a national		
banking association,	§	MOBILE COUNTY,
Plaintiff	§	ALABAMA
vs.	§	AT LAW
GEORGE T. FOWLER,	§	
Defendant.	§	CASE NO. <u>33370</u>

COMPLAINT

COUNT ONE

The plaintiff claims of the defendant the sum of NINETEEN THOUSAND NINE HUNDRED FIVE AND 19/100 (\$19,905.19) DOLLARS, due by promissory note made by him on, to-wit, the nineteenth day of December, 1968, and payable on, to-wit, the nineteenth day of March, 1969, with interest thereon. The plaintiff further claims a reasonable attorney's fee, for which the note provides. In the note the defendant waived all rights of exemption under the constitution and laws of Alabama.

  
 Attorney for Plaintiff  
 First National Bank Building  
 Mobile, Alabama


OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

The defendant may be served at Apartment 101, Chateau Royale, 207 Mobile Street, Fairhope, Alabama.

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

OCT 14 9 35 AM '70

  
 CLERK

**THE STATE OF ALABAMA**  
MOBILE COUNTY

**CIRCUIT COURT**

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

GEORGE T. FOWLER

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

THE FIRST NATIONAL BANK OF MOBILE, A National Banking Association

WITNESS: John E. Mandeville, Clerk of said Court, this 14th day of October, 19 70

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.

Mail

No. 33370 - H

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

CIVIL DIVISION

**CIRCUIT COURT**  
**MOBILE COUNTY**

The First National Bank of  
Mobile, etc.

VS. }

Complaint and Summons

George T. Fowler

Issued 14th day of October, 1970

Defendant's Address  
George T. Fowler  
Apartment 101  
Chateau Royale  
207 Mobile Street  
Fairhope, Alabama

LOUIS E. BRASWELL

Plaintiff's Attorney

Sheriff claims \_\_\_\_\_ miles at  
Ten Cents per mile Total \$ 17.00  
TAYLOR WILKINS, Sheriff  
BY H. E. BRASWELL  
DEPUTY SHERIFF

Received 19 day of Oct 1970  
and on 30 day of Oct 1970  
I served a copy of the writ on George T. Fowler  
By service on H. E. BRASWELL

TAYLOR WILKINS, Sheriff  
BY H. E. BRASWELL D.S.

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

November 19, 1970

Clerk, Circuit Court  
Mobile County  
Mobile, Alabama


Re: The First National Bank of Mobile  
Vs. George T. Fowler, Case #33370

Dear Sir:

Enclosed please find Pleas in Abatement and  
Jury Demand in the above styled case.

With kind regards, I am

Yours very truly,

  
Wilson Hayes

WH/ms  
Encs.

THE FIRST NATIONAL BANK  
OF MOBILE, a national  
banking association,

Plaintiff,

Vs.

GEORGE T. FOWLER,

Defendant.

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§

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

AT LAW


NUMBER: 33370

PLEA IN ABATEMENT

Comes now Defendant, George T. Fowler, in the above styled cause and makes his appearance in this cause specially and only for the purpose of making the following plea:

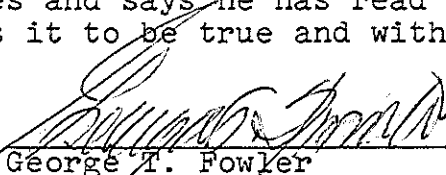
1. Plaintiff ought not to have and maintain the above styled cause for that Defendant is now and was at the time of the filing of this cause a resident citizen of Baldwin County, Alabama.


2. Plaintiff ought not to have and maintain its suit in the above styled cause for that Defendant resides in Fairhope, Baldwin County, Alabama and that Plaintiff well knows this fact, that the said address given for service is Defendant's address in Baldwin County, Alabama.

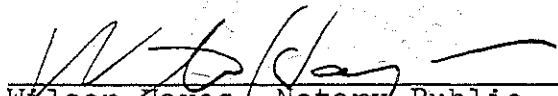
  
George T. Fowler

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, Wilson Hayes, personally appeared George T. Fowler, Defendant in the above styled cause who, being known to me and being duly sworn deposes and says he has read the foregoing plea in its entirety and knows it to be true and without error.

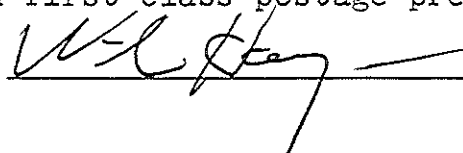
  
George T. Fowler

 Sworn to and subscribed before me this the 18<sup>th</sup> day of November, 1970.

  
Wilson Hayes, Notary Public  
State of Alabama, at Large  
Commission expires: 4-17-74

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 18<sup>th</sup> day of Nov, 1970, served a copy of the foregoing pleading on counsel for all Parties to this proceeding by mailing the same by United States Mail, properly addressed, with first class postage prepaid.

  
Wilson Hayes

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

Nov 20 8 40 AM '70

  
CLERK

THE FIRST NATIONAL BANK  
OF MOBILE, a national  
banking association,

Plaintiff,

Vs.

GEORGE T. FOWLER,

Defendant.

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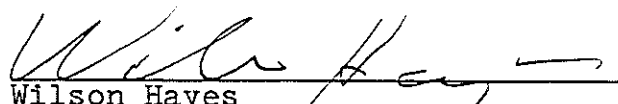
IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

AT LAW

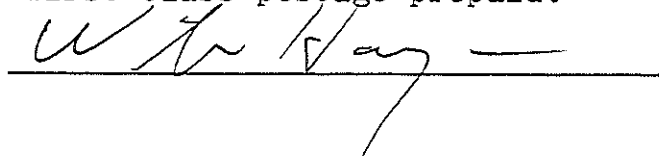
NUMBER: 33370

Comes now Defendant in the above styled cause and  
demands trial by jury.

  
Wilson Hayes  
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 18 day of Nov,  
1970, served a copy of the foregoing pleading on counsel for all  
Parties to this proceeding by mailing the same by United States  
Mail, properly addressed, with first class postage prepaid.



STATE OF ALABAMA  
I CERTIFY THIS PLEADING  
WAS FILED ON

Nov 20 8 00 AM '70


  
CLERK

THE FIRST NATIONAL BANK : IN THE CIRCUIT COURT OF  
OF MOBILE, a national :  
banking association, : MOBILE COUNTY,  
Plaintiff, : ALABAMA  
vs. : AT LAW  
GEORGE T. FOWLER, :  
Defendant. : CASE NO. 33370 - 7H

PLAINTIFF'S DEMURRER  
TO DEFENDANT'S PLEA IN ABATEMENT

Comes now the plaintiff and demurs to the separate and several pleas in abatement filed herein by the defendant by assigning the following separate and several grounds of demurrer, separately and severally:

1. Said plea contains no statement of facts.
2. Said plea contains conclusions.
3. The allegations concerning residence are not statements of fact as to residence but are set forth in the statement which asserts that plaintiff "ought not to have and maintain" the suit.
4. The allegations concerning residence are not statements of fact as to residence but are set forth in the statement which asserts the conclusion that the plaintiff "ought not to have and maintain" the suit.
5. Said plea fails to aver that George T. Fowler has a permanent residence within the State of Alabama.
6. Said plea is without merit because the defendant George T. Fowler has made a general appearance.
7. Said plea is without merit because the defendant George T. Fowler has made a general appearance by filing a demand for trial by jury.

  
Attorney for Plaintiff  
First National Bank Building  
Mobile, Alabama

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON



CERTIFICATE OF SERVICE

I, Louis E. Braswell, attorney for the plaintiff, hereby certify that a true and correct copy of the foregoing demurrer has been served upon the attorney for the defendant, Wilson Hayes, Esq., by mailing a copy of the same to him at his office, in Bay Minette, Alabama, postage prepaid, on this 24 day of November, 1970.

Louis E. Braswell

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

Nov 25 4 13 PM '70

John M. Mansfield  
CLERK

THURSDAY, FEBRUARY 25, 1971

THE FIRST NATIONAL BANK	:
OF MOBILE, a national	:
Banking Association	: IN THE CIRCUIT COURT
Plaintiff,	: OF MOBILE COUNTY,
vs.	: ALABAMA
GEORGE T. FOWLER	: AT LAW
Defendant.	: CASE NO. 33370

This cause now comes on for consideration on the Defendant's plea in abatement and on the Plaintiff's demurrer to the plea in abatement, and the Plaintiff having consented to the overruling of the demurrer to the plea in abatement and to the sustaining of the plea in abatement, IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED that the Plaintiff's demurrer to the Defendant's Plea in abatement be and hereby is overruled, that the Defendant's plea in abatement be and hereby is sustained, and that the case shall be transferred by the Clerk, under the authority of Title 7, Section 64 (1) and (2), Code of Alabama 1940, as last amended, to the Circuit Court of Baldwin County, Alabama.

Done at Mobile, Alabama, this 25th day of February,  
1971.

/s/ JOSEPH M. HOCKLANDER  
Circuit Judge

Minute Book 42

Page 577

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 25th day of February, 1971, in the cause  
entitled No. 33370 - THE FIRST NATIONAL BANK OF MOBILE, a National  
Banking Association, Plaintiff,  
— versus — GEORGE T. FOWLER

Defendant, (~~together with the cancellation thereof~~), as the same remains of record in this office in  
Minute Book No. 42, Page No. 577.

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 25th day of February, 19 71.

ATTEST:

  
Clerk, Circuit Court, Mobile County, Alabama.

**CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY**

No. 33370 THE FIRST NATIONAL BANK OF MOBILE, a National Banking Association Plaintiff  
vs.  
GEORGE T. FOWLER 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)

[illegible]

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

THE FIRST NATIONAL BANK OF  
MOBILE, A Corporation,

Plaintiff,

Vs.

GEORGE T. FOWLER,

Defendant.

§

IN THE CIRCUIT COURT OF

§

BALDWIN COUNTY, ALABAMA

§

AT LAW

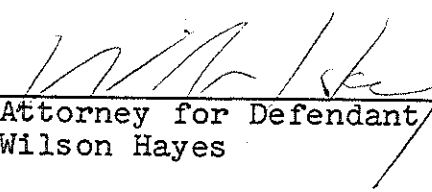
§

§

NUMBER: 9719

Comes now the Defendant in the above styled cause and desiring the testimony of the Plaintiff, propounds the following interrogatories, to be answered by the Plaintiff under oath:

1. State the name of the person answering these interrogatories.
2. What is your position with Plaintiff?
3. Attach a legible copy of the note, the foundation of the suit.
4. Attach a copy of the application for the loan.
5. Attach a copy of any note or notes of which the note in this suit is a renewal or replacement.
6. State the name of the officer or employee or officers or employees of the bank who approved the alleged note and loan to Defendant.
7. Attach a copy of all loan transactions between Defendant and Plaintiff up to and including the date of the filing of this suit, including copies of the note, security instrument, loan application, name of officer or employee approving loan and the date and method of repayment, if any.
8. If the proceeds from any note or loan above noted were disbursed by Cashiers Check, attach a copy of the Cashiers Check showing endorsement.

  
Attorney for Defendant  
Wilson Hayes

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, Mary C. Stiers, a Notary Public in and for said County in said State, personally appeared Wilson Hayes, who being known to me, stated under oath that he is the Attorney for Defendant, George T. Fowler, in this case; that the answers to the foregoing interrogatories when well and truly made will be material evidence for the said Defendant on the trial of the said cause.

Wilson Hayes  
Wilson Hayes

Sworn to and subscribed to before me this the 13<sup>th</sup> day  
of August, 1971.

Mary C. Stiers  
Mary C. Stiers, Notary Public  
Baldwin County, Alabama

*Serve on Pltz in Mobile*

FILED

AUG 23 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

Chas 9719 8861  
Baldwin Co.

The First National  
Bank of Mobile  
vs. Mr. Abady  
George T. Fowler

AUG 24 1971

RECEIVED

REC'D. SHERIFF DEPT.  
MOBILE COUNTY, ALA.  
AUG 25 3 10 PM '71

serve Pety - Mobile

RECEIVED COUNTY  
CLERK DE CRISTINA

Received 25 Day of Aug 1971  
and on 27 Day of Aug 1971  
I served a Copy of the Petition  
on Mr. Abady  
by service on Mr. Abady

RAY D. BRIDGES, Sheriff  
By W. M. Williams

THE FIRST NATIONAL BANK  
OF MOBILE, a national  
banking association,

Plaintiff,

Vs.

GEORGE T. FOWLER,

Defendant.

§

IN THE CIRCUIT COURT OF

§

BALDWIN COUNTY, ALABAMA

§

AT LAW

§

§

MOBILE CASE #33370

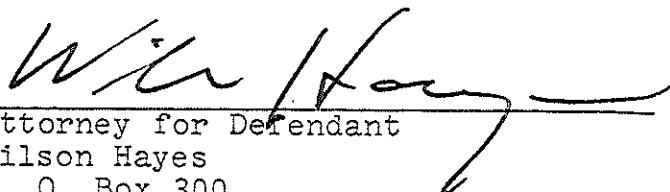
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BALDWIN CASE # 9719

#### PLEA IN ABATEMENT

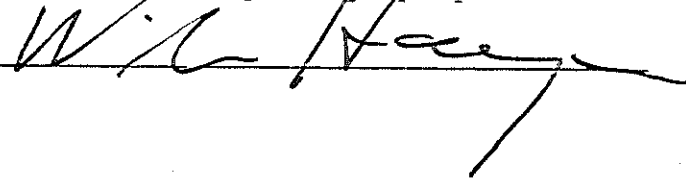
Comes now Defendant in the above styled cause and moves the Court to abate the said action against Defendant and for grounds says as follows:

1. It does not appear in what capacity Plaintiff sues.
2. It does not appear that Plaintiff is an unincorporated association.
3. It does not appear whether Plaintiff is an unincorporated association or a corporate association.
4. It does not appear whether Plaintiff is a partnership, unincorporated association or corporation.

  
Attorney for Defendant  
Wilson Hayes  
P. O. Box 300  
Bay Minette, Alabama 36507

#### CERTIFICATE OF SERVICE

I do hereby certify that I have on this 8<sup>th</sup> 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 States Mail, properly addressed, with first class postage prepaid.



**FILED**

MAR 9 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

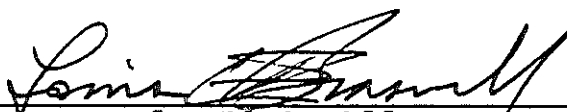


THE FIRST NATIONAL BANK	:	IN THE CIRCUIT COURT
OF MOBILE, a national	:	
banking association,	:	OF BALDWIN COUNTY,
Plaintiff,	:	ALABAMA
vs.	:	AT LAW
GEORGE T. FOWLER,	:	
Defendant.	:	CASE NO. _____

DEMURRER TO PLEA IN ABATEMENT

Comes now the Plaintiff and demurs to the plea in abatement filed herein by the Defendant, and separately and severally to each plea thereof, by assigning the following grounds of demurrer, separately and severally:

1. Said plea does not set forth an appropriate matter in abatement.
2. Said plea is not legally sufficient.
3. Said plea does not constitute grounds for abatement.
4. Said plea is insufficient as a matter of law.

  
 Attorney for Plaintiff  
 First National Bank Building  
 Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I, Louis E. Braswell, attorney for the plaintiff, hereby certify that a true and correct copy of the foregoing demurrer to plea in abatement has been served upon the attorney for the defendant, Wilson Hayes, Esq., by mailing a copy of the same to him at his office in Bay Minette, Alabama, postage prepaid, on this 16 day of March, 1971.



FILED

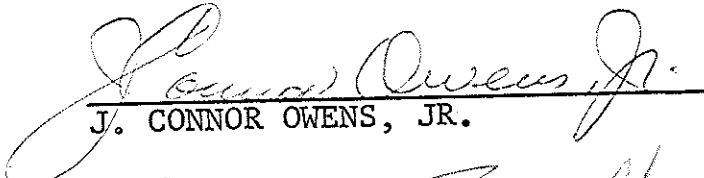

MAR 18 1971

EUNICE B. BLACKMON  
CLERK

THE FIRST NATIONAL BANK OF	:	IN THE CIRCUIT COURT
MOBILE, a corporation,	:	
	:	OF BALDWIN COUNTY,
Plaintiff,	:	
	:	ALABAMA
vs.	:	
	:	AT LAW
GEORGE T. FOWLER,	:	
	:	
Defendant.	:	CASE NO. <u>9719</u>

AMENDED COMPLAINT

The Plaintiff claims of the Defendant the sum of NINETEEN THOUSAND NINE HUNDRED FIVE AND 19/100 (\$19,905.19) DOLLARS, due by promissory note made by him on, to-wit, the nineteenth day of December, 1968, and payable on, to-wit, the nineteenth day of March, 1969, with interest thereon. The Plaintiff further claims a reasonable attorney's fee, for which the note provides. In the note the Defendant waived all rights of exemption under the Constitution and laws of Alabama.

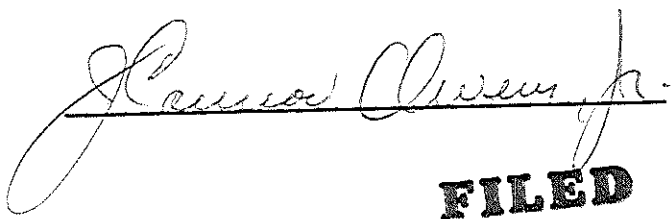
  
J. CONNOR OWENS, JR.  
  
LOUIS E. BRASWELL  
 Attorneys for Plaintiff  
 First National Bank Building  
 Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this amended complaint has been served upon Wilson Hayes, Esquire, Attorney for the Defendant, by mailing the same to him at his office, postage prepaid, on this 23 day of March, 1971.

  
J. CONNOR OWENS, JR.

**FILED**

MAR 23 1971

EUNICE B. BLACKMON CIRCUIT CLERK

THE FIRST NATIONAL BANK OF  
MOBILE, A Corporation,

Plaintiff,

Vs.

GEORGE T. FOWLER,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

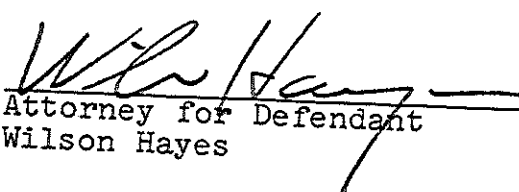
AT LAW

NUMBER: 9719

ANSWER

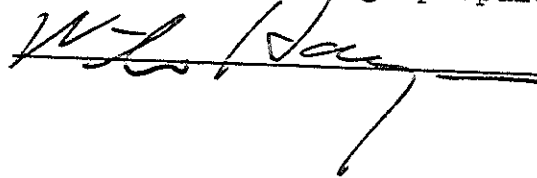
Comes now Defendant and for answer to the Complaint says:

1. There was no consideration for the alleged note.
2. The Defendant saith that he has paid the debt for the recovery of which this suit was brought, before the action was commenced.
3. The matters alleged therein are untrue.

  
Attorney for Defendant  
Wilson Hayes

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 21<sup>st</sup> day of May, 1971, served a copy of the foregoing pleading on counsel for all Parties to this proceeding by mailing the same by United States Mail, properly addressed, with first class postage prepaid.



**FILED**

MAY 21 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

January 18, 1972

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.  
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 C. 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

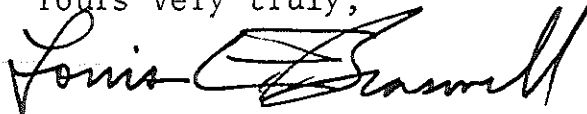
Mrs. Eunice Blackmon  
Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Re: First National Bank v. Fowler and  
Ritz Jewelers, Case No. 9718  
First National Bank v. Fowler  
Case No. 9719  
Our File: LEB 11230

Dear Eunice:

As attorney for the plaintiff in the above cases,  
I respectfully request that they be dismissed as they  
have been settled. Please send the bills for court  
costs to Mr. Wilson Hayes who represents the defendants.

Yours very truly,



For the Firm

LEB.mb

CC: Wilson Hayes, Esq.  
J. Connor Owens, Jr., Esq.

J. CONNOR OWENS, JR.  
ATTORNEY AT LAW  
DAHLBERG BUILDING  
P. O. BOX 729  
BAY MINETTE, ALABAMA 36507

September 16, 1971

TELEPHONE NO. 937-4661

Honorable Telfair J. Mashburn  
Judge of Circuit Court of Baldwin County  
Bay Minette, Alabama 36507

Subject: The First National Bank of Mobile vs. George  
T. Fowler and Ritz Jewelers, Inc., Law Case No. 9718;

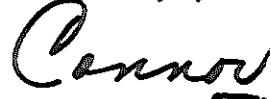
The First National Bank of Mobile vs. George  
T. Fowler, Law Case No. 9719.

Dear Judge Mashburn:

This is with reference to the above styled matters  
and to request that you please set the same for trial.

Thank you for your consideration in these matters.

Sincerely yours,



J. Connor Owens, Jr.

JCO:am

CC: Mr. Wilson Hayes  
Attorney at Law  
Bay Minette, Alabama

Mr. Louis E. Braswell  
Attorney at Law  
P. O. Box 123  
Mobile, Alabama