

10,004

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

CASE NO. 36281- HOCKLANDER

JACK W. SPRINKLE

COMMUNITY FINANCE & THRIFT CORPORATION OF ODESSA, INC.,
a Texas Corporation

N.J.

VS. Suit for \$1,006.40 w/interest due by promissory note
(WAIVER)

WILSON HAYES, Atty. at Law
P.O. Box 300
Bay Minette, Alabama 36507

JOHN D. McDONALD and CHERYL McDONALD, Individually,
Jointly and severally

JURY

PLEADINGS, PROCESS, ETC,	* FILING DATE *

1. Complaint & Summons	* 7-22-71 * C & S served on John D. McDonald, Cheryl McDonald on July 28, 1971.
2. Jury Demand	* 8-10-71 *
3. Plea in Abatement	* 8-10-71 * Aug. 24, 1971 - Plea in Abatement sustained, Case ordered transferred to the Circuit Court of Baldwin County, Alabama.
	* /s/ Joseph M. Hocklander, Judge
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PAGE 202
VOL 43-677

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 24th day of August 1971.

John E. Mandeville, Clerk

COMMUNITY FINANCE & THRIFT
CORPORATION OF ODESSA, INC.,
A Texas Corporation,

Plaintiff,

vs

JOHN D. MCDONALD and
CHERYL MCDONALD, Individually,
Jointly and Severally,

Defendants.

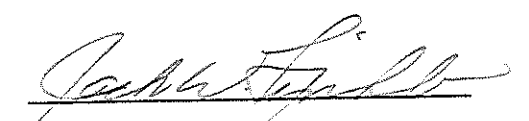
IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
AT LAW

CASE NO. 36281

COUNT ONE

The Plaintiff claims of the Defendants the sum of ONE THOUSAND SIX AND 40/100 (\$1,006.40) DOLLARS, due from them by promissory note dated on to-wit June 8, 1970, and payable on to-wit March 1, 1971, together with interest thereon at the rate of ten percent per annum.

The Plaintiff alleges that the Defendants waived their rights to personal property as exempted to them under the laws of this State or any other State as contained in said promissory note, and it is further agreed that they will pay a reasonable attorney fee and all costs of collection which is provided for in said promissory note and which the Plaintiff does hereby claim.


JACK W. SPRINKLE
Attorney for the Plaintiff

SERVICE OF PROCESS may be
had on the Defendants at:

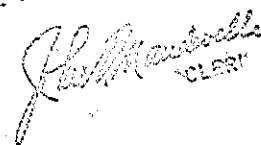
504 East 6th Street
Bay Minette, Alabama 36507

or

Standard Furniture Company
Bay Minette, Alabama 36507
where he is employed

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

JUL 22 2 37 PM '71


CLERK

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:
You are hereby commanded to summon

JOHN D. McDONALD and CHERYL McDONALD, Individually, Jointly
and Severally

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

COMMUNITY FINANCE & THRIFT CORPORATION OF ODESSA, INC.,
A Texas Corporation

WITNESS: John E. Mandeville, Clerk of said Court, this 22nd day of JULY, 19 71

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. 36281

(2)

JUDGE _____ DOCKET

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

Community Finance & Thrift
Corporation of Odessa, Inc.,
etc.

VS. } Complaint and Summons

John D. McDonald and Cheryl
McDonald, etc.

AUG 27 1971

SHERIFF

Issued 22nd day of July, 1971

Defendant's Address
504 East 6th St., Bay Minette,
Alabama -or- Standard Furniture
Company, Bay Minette, Alabama

JACK W. SPRINKLE

Plaintiff's Attorney

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, CLAIM \$1.50 EACH
FOR SERVING 2 PROCESS(ES) AND
TRAVEL EXPENSE ON EACH OF \$ 2
PROCESS(ES) OR A TOTAL OF \$ 300

Received 27 day of July 1971
and on 28 day of July 1971
I served a copy of the within
John D. McDonald
Cheryl McDonald

By service on _____

TAYLOR WILKINS, Sheriff
By *W. H. Solbert, Jr.*

11:23 TO 12:00 PM
JULY 27 1971
MOBILE COUNTY

COMMUNITY FINANCE & THRIFT
CORPORATION OF ODESSA, INC.,
A Texas Corporation,

Plaintiff,

Vs.

JOHN D. McDONALD and CHERYL
McDONALD, Individually,
Jointly and Severally,

Defendants.

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA

AT LAW

NUMBER: 36281

PLEA IN ABATEMENT

Come now the Defendants in the above styled cause by their Attorney, Wilson Hayes, and makes their 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 Defendants are now and were at the time of the filing of this cause, resident citizens of Baldwin County, Alabama.

2. Plaintiff ought not to have and maintain its suit in this cause for that Defendants are not now and never have been residents of Mobile County, Alabama.

3. Plaintiff ought not to have and maintain its suit in the above styled cause for that Defendants reside in Bay Minette, Baldwin County, Alabama and that Plaintiff well knows this fact, that the said address given for service is in Baldwin County, Alabama.

Wilson Hayes

Attorney for Defendants
Wilson Hayes

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Mary C. Stiers, personally appeared Wilson Hayes, who is known to me and who being by me first duly sworn to speak the truth, deposes and says he has read the foregoing Plea in Abatement and knows the facts therein stated are true.

Wilson Hayes

Sworn to and subscribed before me this the 6th day of August, 1971.

STATE OF ALABAMA
I CERTIFY THAT THE FOREGOING
WAS FILED

Mary C. Stiers

Mary C. Stiers, Notary Public
Baldwin County, Alabama

My Commission Expires January 9, 1974

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 6th day of Aug. 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.

COMMUNITY FINANCE & THRIFT
CORPORATION OF ODESSA, INC.,
A Texas Corporation,

Plaintiff,

Vs.

JOHN D. McDONALD and CHERYL
McDONALD, Individually,
Jointly and Severally,


Defendants.

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA

AT LAW

NUMBER: 36281

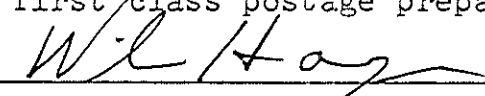
Comes now Defendants in the above styled cause
and demand trial by jury.



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

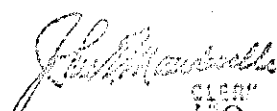
CERTIFICATE OF SERVICE

I do hereby certify that I have on this 6th day of Aug,
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.



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

AUG 10 7 58 AM '71


CLERK

VOL 70 PAGE 206

TUESDAY, AUGUST 24, 1971

COMMUNITY FINANCE & THRIFT CORPORATION
OF ODESSA, a Texas Corporation

HOCKLANDER -vs- 36281

JOHN D. McDONALD & CHERYL McDONALD,
Individually, Jointly and severally

)
) PLEA IN ABATEMENT SUSTAINED,
) CASE ORDERED TRANSFERRED
) TO THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
)

This day in open Court came the parties by their attorneys,
and defendants' Plea in Abatement filed August 10, 1971, 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 defendants' said
Plea in Abatement filed August 10, 1971, 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 43

Page 677

COMMUNITY FINANCE & THRIFT CORPORATION OF ODESSA, INC., Plaintiff
a Texas Corporation vs.
JOHN D. McDONALD & CHERYL McDONALD, Ind., Jointly Defendant
and severally

(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\$ 8.00			Serving Summons & Complaint (2) ..\$ 1.50	3 00	
Suits for over \$100 but less than \$1,000 10.00			Serving Writ of Garnishment 1.50		
Suits for \$1,000 and over 20.00	20 00		Serving Sci Fa.-Notices 1.50		
Suits in detinue, ejectment, etc. 10.00			Levying Attachment & Return 6.25		
Suits not otherwise provided 10.00			Executing Writ Possession 5.00		
Writs, Mandamus, Prohibition, etc. 15.00			Seizing personal property under Writ of Detinue 6.00		
Appeals from Court General Sessions 15.00			Serving subpoenas, each75		
Appeals from Probate Court 20.00			Impanelling Jury75		
Appeals from JP Courts 6.00			Taking & Approving Bond 2.00		
Appeals from State Dept of Pub. Safety, and other State Agencies 10.00			Collecting Costs Execution 1.50		
Workmen's Compensation Settle. 10.00			Serving Contempt Writ 1.50		
Garnishment on Judgment 6.00			Making Deed for Property sold 2.50		
Order of Sale, Motions to sell. 6.00			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$		
Recording executions from State Agencies 3.00					
Cert. Copy of Record - per 100 words15	80		Total \$	3 00	
Taking Appeal Bond75					
Record for Supreme Court etc., per 100 words15			RECAPITULATION		
Add'l Copies of Record for Supreme Court, per 100 words05			Clerk 20 80		
Checking - including Reporters Transcript of Evidence 10.00			Sheriff 3 00		
Certifying Abstract in lieu of Transcript on Appeal 5.00			CT. ADM. FUND	2 00	
Collecting Money on Judgments over 30 days old, 1/2 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)	1 50	
			Library fee 1.50	1 50	
			Trial Tax (County) 1.50	1 50	
			Trial Tax (State) 1.50		
			Advertisement		
			Garnishee's fees		
Total\$	20 80			\$30.30	

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

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

January 12, 1973

Mrs. Eunice Blackmon, Clerk
Circuit Court, Baldwin County
Bay Minette, Alabama 36507


Re: Community Fianance v
McDonald, Law #10,004

Dear Mrs. Blackmon:

Please file the enclosed demurrer and
answer in the above noted case.

With kind regards, I am

Yours very truly,


Wilson Hayes

WH/mm
Enc.

COMMUNITY FINANCE & THRIFT
CORPORATION OF ODESSA, INC.,
A Texas Corporation,

Plaintiff,

Vs.

JOHN D. McDONALD and CHERYL
McDONALD, Individually,
Jointly and Severally,

Defendants.

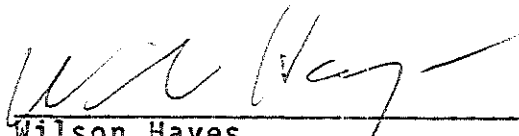
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 10,004

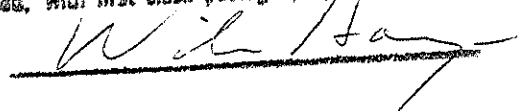
Come now Defendants in the above styled cause and demur
to the complaint and file the following grounds separately and
severally:

1. The complaint does not state a cause of action.
2. The note is void on its face.
3. The alleged note is usurious.
4. Plaintiff claims under a usurious contract.


Wilson Hayes
Attorney for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12th day of Jan
1973 served a copy of the foregoing pleading on counsel for all
parties to this proceeding by means, the same by United States
Mail, properly addressed, with first class postage prepaid.



FILED

JAN 15 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

COMMUNITY FINANCE & THRIFT
CORPORATION OF ODESSA, INC.,
A Texas Corporation,

Plaintiff,

Vs.

JOHN D. McDONALD and CHERYL
McDONALD, Individually,
Jointly and Severally,

Defendants.


IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 10,004

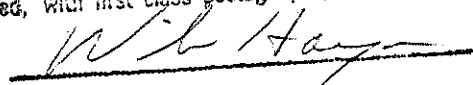
Come now Defendants in the above styled cause and for
answer to the complaint say as follows:

1. The matters alleged therein are untrue.
2. The Defendants, in answer to the complaint say that
the said note upon which the action is founded, is usurious
and void for the interest thereon.


Wilson Hayes
Attorney for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12th day of October
1973 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

JAN 15 1973

EUNICE B. BLACKMON CIRCUIT
CLERK