

COMPUTER EQUIPMENT
CORPORATION, BENMAR
DIVISION, a California
Corporation,

Plaintiff,

vs.

GEORGE W. NELSON, JR.,
individually and d/b/a
REBEL MARINE COMPANY,

Defendant.

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO: 9919

MOTION TO STRIKE

Comes now the Plaintiff in the above styled cause and moves to strike the demand for a trial by jury filed by the Defendant and as grounds therefor would show unto Your Honor and unto this Honorable Court as follows:

1. That said jury demand is filed more than thirty (30) days after service of the summons and Bill of Complaint upon the Defendant, contrary to the provisions of Title 7, Section 260, Code of Alabama 1940.

CHASON, STONE & CHASON

BY:

John Earle Chason

*I certify copy mailed to E. Bailey this 3/29/72.
JEC*

FILED

MAR 29 1972

EUNICE B. BLACKMON CIRCUIT CLERK

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

CASE NO. 35640 - HODNETTE

9919

N.J.

FILED

JUL 13 1971

EUNICE B. BLACKMON
CIRCUIT CLERK

HAMILTON, BUTLER, RIDDICK
& LATOUR
BY: Janelle J. Wood

COMPUTER EQUIPMENT CORPORATION, BENMAR DIVISION,
a California Corporation

VS. Suit for \$2,224.57 with interest due by account,
itemized-verified statement of account.

BAILEY & TAYLOR
BY: Ernest M. Bailey
P.O. Box 361 - Fairhope, Alabama - 36532

GEORGE W. NELSON, JR., Individually and d/b/a
REBEL MARINE CO.

PLEADINGS, PROCESS, ETC, * FILING DATE *

1. Complaint & Summons * 5-25-71 *
2. Itemized-Verified *
Acct. - - - - - * 5-25-71 *
3. Plea in Abatement * 6-28-71 *

C & S served on Geo. W. Nelson, Jr., Rebel Marine Co. on June 5, 1971

July 9, 1971 - Plea in Abatement confessed and sustained, and case transferred
to Baldwin County, Alabama for further proceedings.
/s/ Robert E. Hodnette 43-527

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 12th day of July 1971.

John E. Mandeville Clerk

COMPUTER EQUIPMENT CORPORATION,
BENMAR DIVISION, a California
corporation,

Plaintiff,

v.

GEORGE W. NELSON, JR.,
individually and d/b/a REBEL
MARINE CO.,

Defendant.

* IN THE CIRCUIT COURT OF
* MOBILE COUNTY, ALABAMA

* AT LAW

*

*

*

*

CASE NO. 35640

COUNT ONE

The Plaintiff claims of the Defendant the sum of, to-wit, TWO THOUSAND TWO HUNDRED TWENTY FOUR AND 57/100 DOLLARS (\$2,224.57, due from him by account on, to-wit, the 9th day of October, 1970, which sum of money, with the interest thereon, is still unpaid.

COUNT TWO

The Plaintiff claims of the Defendant the sum of, to-wit, TWO THOUSAND TWO HUNDRED TWENTY FOUR AND 57/100 DOLLARS (\$2,224.57), due from him on an account stated between the Plaintiff and Defendant on, to-wit, the 9th day of October, 1970, which sum of money, with the interest thereon, is still unpaid.

HAMILTON, BUTLER, RIDDICK & LATOUR

BY:

Janella J. Wood
Trial Attorney for Plaintiff

Defendant may be served at:

Rebel Marine Co.
Foley, Alabama 36535

An itemized statement of the account sued on, verified by the affidavit of a competent witness, is attached hereto, and made a part hereof, as if fully set out herein.

HAMILTON, BUTLER, RIDDICK & LATOUR

BY:

Janella J. Wood
Trial Attorney for Plaintiff

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

MAY 25 3 41 PM '71

Paul Marshall
CLERK



DIVISION/COMPUTER EQUIPMENT CORP.
3000 WEST WARNER, SANTA ANA, CALIFORNIA
TELEPHONE: AREA CODE (714) 540-5120
TELEX: 67-8338

STATEMENT

REBEL MARINE CO.
P.O. BOX 251
FOLEY, ALABAMA 36535

CUST. NO.	SLSM.	DATE
7304	5	5/20/71

DATE	INVOICE NO.	CHARGES			
		CURRENT	30 DAYS PAST DUE	60 DAYS PAST DUE	90 DAYS & OVER PAST DUE
7/31/67	9981				18.20
9/07/67	11472				33.84
9/21/67	11940				96.30
10/03/67	12397				13.77
1/24/68	20191				12.62
4/10/68					324.35CR
4/30/68	22325				342.42
6/24/68	24915				1.66
9/25/68	28070				546.25
9/28/68	28657				100.50
10/11/68	28674				113.00
10/21/68	28966				27.42
5/27/69	33840				887.50
6/17/69	402300				106.82
6/24/69	402586				90.79
7/02/69					80.06CR
8/25/69	2237				150.50
9/26/69	3581				2.40
10/16/69	4250				37.73
10/16/69	4328				78.75
1/23/70	6755				5.70
3/11/70	7803				253.35
6/26/70					100.00CR
10/09/70	2 98068				190.54CR
		TOTAL PAST DUE			TOTAL DUE
		2,224.57			2,224.57

PLEASE PAY
THIS AMOUNT

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared JOHN M. FINDLER, known to me, who being duly sworn, upon his oath stated that he is _____

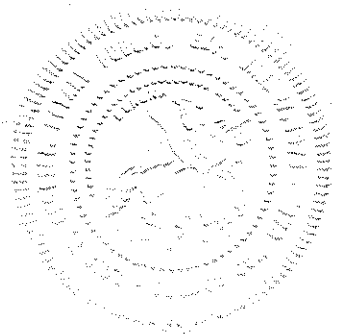
Controller of Benmar Division of
Computer Equipment Corporation California
corporation, that as such he makes this

affidavit; that he is familiar with the books and business of Computer Equipment Corporation, Benmar Division, that the attached account against George W. Nelson, Jr., is just and correct within the knowledge of this affiant; that he has authority to make this affidavit, that he has personal knowledge of the matters contained herein and in said attached account, that the charges thereon stated and composing said account were charged thereto at the special instance and request of the debtor, that credit has been duly given for all payments and just and lawful offsets to which said account is entitled, and that the balance thereof amounting to the sum of Two Thousand Two Hundred Twenty-four and 57/100 Dollars (\$2,224.57), with interest thereon, is justly due and remains unpaid.

John M. Findler
John M. Findler Affiant

Sworn and subscribed to before me this 21 day of May, 1977, as witness my hand and official seal of office.

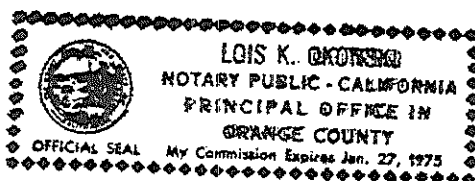
Lois K. Okonski
Notary Public in and for
said County and State



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

MAY 25 3 41 PM '71

John M. Findler
CLERK



THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

GEORGE W. NELSON, JR., individually and d/b/a REBEL MARINE CO.

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_____

COMPUTER EQUIPMENT CORPORATION, BENMAR DIVISION, a California Corporation

WITNESS: John E. Mandeville, Clerk of said Court, this 25th day of May, 1971

Attest :

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.

No. 35640 ^{RM} (2)
 JUDGE [Signature] DOCKET
 CIVIL DIVISION
CIRCUIT COURT
 MOBILE COUNTY

Computer Equipment Corporation,
 Benmar Division, etc.

VS. } Complaint and Summons

George W. Nelson, Jr., individually
 and d/b/a Rebel Marine Co.

Issued 25th day of May, 1971

Defendant's Address
 Rebel Marine Co.
 Foley, Alabama 36535

JANELLA J. WOOD

Plaintiff's Attorney

Received 2 day of June 1971
 and on 5 day of June 1971
 I served a copy of the within Rebel Marine Co.
 on George W. Nelson, Jr.
 By service on Rebel Marine Co. 11, 11, 27 3 07 AM
 TAYLOR WILKINS, Sheriff
 By Carole L. Chambers
 ATTORNEY
 1400 3rd St. N. Mobile, AL 36688

TAYLOR WILKINS, SHERIFF OF BALDWIN
 COUNTY, ALABAMA, CLAIM \$1.50 EACH
 FOR SERVING 2 PROCESSIONS AND
 TRAVEL EXPENSE ON EACH OF \$ 12.40
 PROCEEDINGS ON A TOTAL OF \$ 17.40

BAILEY & TAYLOR
ATTORNEYS AT LAW
61 NORTH SECTION STREET
P. O. BOX 361
FAIRHOPE, ALABAMA 36532

ERNEST M. BAILEY
LLOYD E. TAYLOR

PHONE
FAIRHOPE 928-2393

JUNE
25TH
1971

MR. JOHN E. MANDEVILLE,
CLERK OF THE CIRCUIT COURT
MOBILE, ALABAMA, 36600

RE: COMPUTER EQUIPMENT CORP.
BENMAR DIVISION,

VS. GEORGE W. NELSON, JR., INDIVI-
DUALY, & D/B/A REBEL MARINE
Co.

CASE No., AT LAW 35640 R A

DEAR MR. MANDEVILLE:

I WOULD APPRECIATE YOU FILING THE ENCLOSED PLEA IN ABATEMENT
IN THE ABOVE CASE.

HAMILTON, BUTLER, RIDDICK & LATOUR ARE THE ATTORNEYS FOR THE
PLAINTIFF.

VERY TRULY YOURS,

ERNEST M. BAILEY

EMB/w
INCLS: 2

BAILEY & TAYLOR
ATTORNEYS AT LAW
61 NORTH SECTION STREET
P. O. BOX 361
FAIRHOPE, ALABAMA 36532

ERNEST M. BAILEY
LLOYD E. TAYLOR

PHONE
FAIRHOPE 928-2393

JUNE
25TH
1971

MR. JOHN E. MANDEVILLE,
CLERK OF THE CIRCUIT COURT
MOBILE, ALABAMA, 36600

RE: COMPUTER EQUIPMENT CORP.
BENMAR DIVISION,

VS. GEORGE W. NELSON, JR., INDIVI-
DUALY, & D/B/A REBEL MARINE
Co.

CASE No., At Law 35640 *RA*

DEAR MR. MANDEVILLE:

I WOULD APPRECIATE YOU FILING THE ENCLOSED PLEA IN ABATEMENT
IN THE ABOVE CASE.

HAMILTON, BUTLER, RIDDICK & LATOUR ARE THE ATTORNEYS FOR THE
PLAINTIFF.

VERY TRULY YOURS,

ERNEST M. BAILEY

EMB/w
INCLS: 2

COMPUTER EQUIPMENT CORPORATION,)
BENMAR DIVISION, A CALIFORNIA)
CORPORATION,)

PLAINTIFF)

VS)

GEORGE W. NELSON, JR.,)
INDIVIDUALLY AND D/B/A REBEL)
MARINE CO.,)

DEFENDANT)


IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
AT LAW

CASE NO: 35640

COMES NOW THE DEFENDANT IN THE ABOVE STYLED CAUSE AND
APPEARS SPECIFICALLY FOR FILING THIS PLEA IN ABATEMENT AND FOR
NO OTHER PURPOSE, AND FOR REASON THEREFOR SAYS:

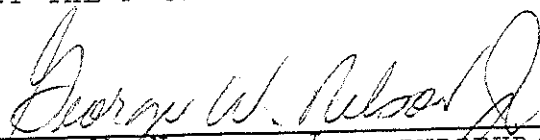
THAT HE IS A RESIDENT OF FOLEY, BALDWIN COUNTY, ALABAMA,
AND WAS A RESIDENT AT THE TIME OF FILING THE SUIT IN THE CIRCUIT
COURT OF MOBILE COUNTY, ALABAMA; THAT HE WAS A RESIDENT OF FOLEY,
BALDWIN COUNTY, ALABAMA AT THE TIME THE CAUSE OF ACTION ACCRUED.

FOR THE REASON HEREIN, SAID SUIT SHOULD BE ABATED IN THE
CIRCUIT COURT OF MOBILE COUNTY, ALABAMA.


GEORGE W. NELSON, JR., INDIVIDUALLY,
AND D/B/A REBEL MARINE CO.,

STATE OF ALABAMA }
COUNTY OF BALDWIN }

BEFORE ME, PERSONALLY APPEARED GEORGE W. NELSON, JR.,
INDIVIDUALLY AND D/B/A REBEL MARINE CO., WHO HAVING FIRST BEEN
DULY SWORN, DEPOSES AND SAYS THAT THE FACTS IN THE FOREGOING ARE
TRUE.


GEORGE W. NELSON, JR., INDIVIDUALLY,
AND D/B/A REBEL MARINE CO.

SWORN AND SUBSCRIBED TO
BEFORE ME THIS 23rd DAY OF JUNE, 1971.


NOTARY PUBLIC

BAILEY & TAYLOR
P.O. Box 361
FAIRHOPE, ALABAMA, 36532
ATTORNEYS FOR THE DEFENDANT

STATE OF ALABAMA
I CERTIFY THIS PLEADING
WAS FILED ON

JUN 20 8 04 AM '71

CLERK

COMPUTER EQUIPMENT CORPORATION,)
BENMAR DIVISION, A CALIFORNIA)
CORPORATION,)

PLAINTIFF)

VS)

GEORGE W. NELSON, JR.,)
INDIVIDUALLY AND D/B/A REBEL)
MARINE CO.,)

DEFENDANT)

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA

AT LAW

CASE NO: 35640

COMES NOW THE DEFENDANT IN THE ABOVE STYLED CAUSE AND
APPEARS SPECIFICALLY FOR FILING THIS PLEA IN ABATEMENT AND FOR
NO OTHER PURPOSE, AND FOR REASON THEREFOR SAYS:

THAT HE IS A RESIDENT OF FOLEY, BALDWIN COUNTY, ALABAMA,
AND WAS A RESIDENT AT THE TIME OF FILING THE SUIT IN THE CIRCUIT
COURT OF MOBILE COUNTY, ALABAMA; THAT HE WAS A RESIDENT OF FOLEY,
BALDWIN COUNTY, ALABAMA AT THE TIME THE CAUSE OF ACTION ACCRUED.

FOR THE REASON HEREIN, SAID SUIT SHOULD BE ABATED IN THE
CIRCUIT COURT OF MOBILE COUNTY, ALABAMA.

George W. Nelson, Jr.
GEORGE W. NELSON, JR., INDIVIDUALLY,
AND D/B/A REBEL MARINE CO.,

STATE OF ALABAMA }
COUNTY OF BALDWIN }

BEFORE ME, PERSONALLY APPEARED GEORGE W. NELSON, JR.,
INDIVIDUALLY AND D/B/A REBEL MARINE CO., WHO HAVING FIRST BEEN
DULY SWORN, DEPOSES AND SAYS THAT THE FACTS IN THE FOREGOING ARE
TRUE.

George W. Nelson, Jr.
GEORGE W. NELSON, JR., INDIVIDUALLY,
AND D/B/A REBEL MARINE CO.

SWORN AND SUBSCRIBED TO

BEFORE ME THIS 23rd DAY OF JUNE, 1971.

James M. Bailey
NOTARY PUBLIC

STATE OF ALABAMA
I CERTIFY THIS PLEA
WAS FILED ON
JUN 28 8 00 AM
CLERK

BAILEY & TAYLOR
P.O. Box 361
FAIRHOPE, ALABAMA, 36532
ATTORNEYS FOR THE DEFENDANT

FRIDAY, JULY 9, 1971

COMPUTER EQUIPMENT CORPORATION,
BENMAR DIVISION, a California
Corporation

HODNETTE -VS- 35640

GEORGE W. NELSON, JR., Individually
and dba REBEL MARINE CO.

PLEA IN ABATEMENT CONFESSED
AND SUSTAINED, AND CASE
TRANSFERRED TO BALDWIN COUNTY,
ALABAMA, FOR FURTHER PROCEEDINGS

This day in open Court came the parties by their attorneys, and plaintiff in open Court on this day confessed defendant's Plea in Abatement filed June 28, 1971, to the complaint in this cause; It is therefore ordered and adjudged by the Court that defendant's said Plea in Abatement filed June 28, 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 for further proceedings,

Minute Book 43

Page 527

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 9th day of July, 1971, in the cause
entitled No. 35640 - COMPUTER EQUIPMENT CORPORATION, BENMAR DIVISION,
a California Corporation, Plaintiff,
— versus — GEORGE W. NELSON, JR., Individually and dba REBEL MARINE CO.

Defendant, (~~together with the caption thereon~~), as the same remains of record in this office in
Minute Book No. 43, Page No. 527.

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 12th day of July, 1971.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

COMPUTER EQUIPMENT CORPORATION, BENMAR DIVISION, a Plaintiff

No. 35640

California Corporation vs.

GEORGE W. NELSON, JR., Ind. & d/b/a REBEL MARINE CO. 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. 84 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

COMPUTER EQUIPMENT
CORPORATION,
BENMAR DIVISION, A
CALIFORNIA CORPORATION,

PLAINTIFF,

Vs.

GEORGE W. NELSON, JR.,
INDIVIDUALLY AND DOING
BUSINESS AS REBEL MARINE CO.,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE No. 9919

ANSWER

COMES NOW THE DEFENDANT IN THE ABOVE STYLED CAUSE AND
FOR ANSWER TO THE BILL OF COMPLAINT HERETOFORE FILED IN THIS CAUSE
AND TO EACH COUNT THEREOF, SEPARATELY AND SEVERALLY, ANSWERS AS
FOLLOWS:

1. NOT GUILTY.
2. THE DEFENDANT IS NOT INDEBTED TO THE PLAINTIFF.

BAILEY & TAYLOR

BY: Edward M. Bailey
ATTORNEYS FOR THE DEFENDANT

FOR THE TRIAL IN THIS CAUSE THE
DEFENDANT DEMANDS A TRIAL BY JURY.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this October 15, 1971
served a copy of the foregoing on John EARL Chason
By mailing the same by United States Mail, Properly addressed, and First
Class Postage Prepaid.

BAILEY & TAYLOR

By: Edward M. Bailey

FILED

OCT 18 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

COMPUTER EQUIPMENT
CORPORATION,
BENMAR DIVISION, A
California Corporation,

Plaintiff,

vs.

GEORGE W. NELSON, JR.,
Individually and doing
business as REBEL MARINE
CO.,

Defendant.

X

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

9919

APPEARANCE

Comes now John Earle Chason on behalf of Chason, Stone
& Chason, Attorneys at Law, and enters an Appearance as Attorneys
for the Plaintiff in the above styled cause.

CHASON, STONE & CHASON

BY: 

FILED

JUL 27 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

9919

CHASON, STONE & CHASON

ATTORNEYS AT LAW

P. O. BOX 120

BAY MINETTE, ALABAMA 36507

JOHN CHASON
NORBORNE C. STONE, JR.
JOHN EARLE CHASON
CHARLES C. PARTIN

February 14, 1973

TELEPHONE 937-2191

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

Dear Mrs. Blackmon:

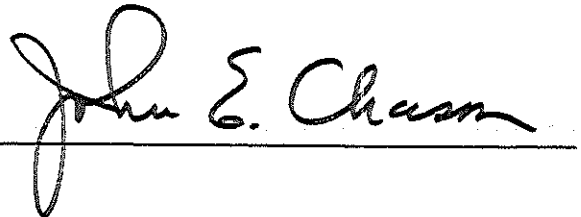
I am informed by Mr. Byrd of the Sheriff's office that the execution in the case of Computer Equipment Corporation vs. George Nelson, Jr. has been returned to your office. We have assisted the Sheriff's office by finding some property on which a levy may be effected.

Will you please issue an alias execution so that they may collect this judgment.

Yours very truly,

CHASON, STONE & CHASON

BY:

A handwritten signature in dark ink, appearing to read "John E. Chason", is written over a horizontal line. The signature is fluid and cursive.

JEC:1hr

cc: Mr. Thomas M. Byrd
Deputy Sheriff
Baldwin County Courthouse
Bay Minette, Alabama

BAILEY & TAYLOR
ATTORNEYS AT LAW
61 NORTH SECTION STREET
P. O. BOX 361
FAIRHOPE, ALABAMA 36532

OCTOBER 15, 1971

MRS. EUNICE BLACKMON
CLERK OF CIRCUIT COURT
BAY MINETTE, ALABAMA

RE: COMPUTER EQUIPMENT CORP.
VS. GEORGE W. NELSON, JR.,
CASE NO. 9919 AT LAW

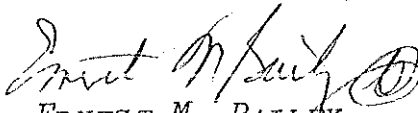
DEAR EUNICE:

PLEASE FILED THE ENCLOSED ANSWER IN
THE ABOVE CAUSE.

I HAVE FORWARDED A COPY TO JOHN EARL
CHASON, ATTORNEY FOR THE PLAINTIFF.

THANKING YOU FOR YOUR ASSISTANCE IN
THIS MATTER, I AM

VERY TRULY YOURS,


ERNEST M. BAILEY
EMB/w