

NO. 711099 a

┌
· Mrs. Eunice Blackmon
· Clerk-Circuit Court
· Bladwin County Court House
· Bay Minette, Alabama 36507
└

— FOLD ON THIS LINE FOR MAILING —

CL 3D-3

PLEASE DETACH THIS STUB

PRINTED IN U.S.A.

Paying direct

Say Cooper

11038349

HARRY D'OLIVE

PROBATE JUDGE

MAR 12 1976

N^o 3194

Bay Minette, Ala., _____, 19____

Received of

Eunice Blackmon

FROM	TO	Deed Tax		Mortgage Tax		Mineral Documentary Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
<i>Quady - Gordon</i>	<i>Huntley</i>							<i>1</i>	<i>50</i>	<i>1</i>	<i>50</i>

FOR RECORD

Harry D'Olive TOTAL \$ *1.50*
JUDGE OF PROBATE.

GORDON v. HUNDLEY #10,023

Please set on your earliest docket.

- Don Polusan

P.O. 2082

Mobile, AL

Gen. Finance vs. Cawin

COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS
COURTROOM "B" FIRST FLOORThe State of Alabama,
MOBILE COUNTY

TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon James Huntley, Route 1, Box 128, Bay Minette,
Alabamato be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile
County, on the 24 day of August, 19 71 at the hour of 9:00 A.M.,
then and there to answer a complaint of Lamar Gordon, individually and doing business
as Gordon's Auto Service

of a debt or other demand not exceeding Seven Hundred Fifty Dollars.

Herein fail not and have you then and there this precept with your doings.

Witness my hand, this _____ day of _____, 19 _____

J. D. Richardson
Clerk of the Court of General Sessions of Mobile County.

Cause of Action

CAUSE OF ACTION: Plaintiff claims of defendant (s) \$ 412.31
due by written contract (s) made between Defendant (s) and Plaintiff
on, to-wit: 10-28-69
and according to the terms of said contract (s) Defendant (s) waived
all right to any exemption under the Constitution and laws of the State
of Alabama and further agreed to pay a reasonable attorneys fee,
which sum of money with the interest thereon is still due and unpaid.
Plaintiff avers Defendant (s) defaulted under the terms of said con-
tract (s) on, to-wit: 7-1-70HERBERT P. FEISELMAN, JR. Att. for Plaintiff

COMPLAINT AND SUMMONS

Atty. for Plaintiff: FEIBELMAN & SILVER

Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 98876

Ret. August 24, 1971

Lamar Gordon, individually and doing business as Gordon's Auto Service

VS.

James Huntley
Route, Box 128; Bay Minette, Alabama

Continued To

Executed by Service on

.....
Defendant

This.....day....., 19.....

Sheriff of Mobile County

By.....
Deputy Sheriff

COMPLAINT AND SUMMONS

GSB9-15M-4-71

REPORT TO GENERAL SESSIONS
COURTROOM "B" FIRST FLOOR

The State of Alabama,
MOBILE COUNTY

TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon James Huntley, Route 1, Box 123, Bay Minette,
Alabama

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile
County, on the 24 day of August, 1971 at the hour of 9:00 A.M.,
then and there to answer a complaint of Lamar Gordon, individually and doing business
as Gordon's Auto Service

of a debt or other demand not exceeding Seven Hundred Fifty Dollars.

Herein fail not and have you then and there this precept with your doings.

Witness my hand, this _____ day of _____, 19____

JUL 12 1971
J. D. Richardson
Clerk of the Court of General Sessions of Mobile County.

Cause of Action CAUSE OF ACTION: Plaintiff claims of defendant (s) \$ 412.31
due by written contract (s) made between Defendant (s) and Plaintiff
on, to wit: 10-28-69
and according to the terms of said contract (s) Defendant (s) waived
all right to any exemption under the Constitution and laws of the State
of Alabama and further agreed to pay a reasonable attorneys fee,
which sum of money with the interest thereon is still due and unpaid.
Plaintiff avers Defendant (s) defaulted under the terms of said con-
tact (s) on, to wit: 7-1-70

HERBERT P. FEZELMAN JR. Att'y. for Plaintiff

228472

COMPLAINT AND SUMMONS

Atty. for Plaintiff: FEIBELMAN & SILVER

Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 98876

Ret. August 24, 1971

Lamar Gordon, individually and doing business as Gordon's Auto Service

VS.

James Huntley
Route, Box 128; Bay Minette, Alabama

Continued To

JUL 16 1971

TAYLOR WILKINS
SHERIFF

Sheriff's Return

Executed by Service on

..... James Huntley
Defendant

This 16 day Aug, 1971.

Sheriff of Mobile County

By W. A. Zolbert
Deputy Sheriff

5 miles South of Hwy

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

JUL 14 8 53 AM '71

BY

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, CLAIM \$1.50 EACH
FOR SERVING 1 PROCESS(ES) AND

TRAVEL EXPENSE ON EACH OF \$ 1.00
PROCESS(ES) OR A TOTAL OF \$ 1.00

BY

JUL 16 8 18 AM '71

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

LAMAR GORDON, individually and
d/b/a GORDON'S AUTO SERVICE,

Plaintiff

-VS-

JAMES HUNDLEY,

Defendant

IN THE COURT OF

GENERAL SESSIONS

MOBILE COUNTY, ALABAMA

CASE NO. 98,876

PLEA IN ABATEMENT

Comes now the Defendant, James Hundley, for the special purpose of filing the following plea separately to the complaint and to each count thereof and for no other purpose:

The said Defendant, James Hundley, says that at the time this suit was instituted and at the time said cause of action arose he was a bona fide resident of Bay Minette, Baldwin County, Alabama, and that the Court of General Sessions of Mobile County, Alabama, is without jurisdiction to try this cause.

James Hundley
DEFENDANT

Defendant demands a trial
by jury in this cause.

Kenneth Cooper
ATTORNEY FOR DEFENDANT

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared James Hundley who is known to me and who, being by me first duly sworn, deposes and says that he has read the foregoing and that the matters contained therein are true and correct.

James Hundley
JAMES HUNDLEY

Sworn to and subscribed before me this 20th of August, 1971.

My Commission Expires:
October 6, 1974

Martha N. Boxkester
NOTARY PUBLIC
STATE AT LARGE, STATE OF ALABAMA

CERTIFICATE OF MAILING

I certify that I have ~~mailed~~ ^{copied} a copy of the foregoing Plea in Abatement to Honorable Herbert S. F. Cappelman, Jr., Suite 2103, First National Bank Building, Mobile, Alabama, by depositing the same in the United States Mail, postage prepaid, this 20th of August, 1971.

Kenneth Cooper
ATTORNEY FOR DEFENDANT

1. 1951

2. 1952

3. 1953

4. 1954

5. 1955

6. 1956

7. 1957

8. 1958

9. 1959

10. 1960

11. 1961

12. 1962

13. 1963

14. 1964

15. 1965

16. 1966

17. 1967

18. 1968

98876

19. 1969

20. 1970

21. 1971

22. 1972

23. 1973

24. 1974

25. 1975

26. 1976

27. 1977

28. 1978

29. 1979

30. 1980

31. 1981

THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

LAMAR GORDON, INDIVIDUALLY AND d/b/a GORDON'S AUTO SERVICE, Plaintiff VS JAMES HUNTLEY, Defendant	:	Filed:	July 9, 1971
	:	Summons Issued:	July 12, 1971
	:	Returnable:	August 24, 1971
	:	Service Had:	August 16, 1971
	:	Cause of Action:	Written Contract
	:	Attorney for Plaintiff:	Feibelman & Silver
	:	Attorney for Defendant:	Kenneth Cooper
	:	Amount of Claim:	\$412.31

8/23/71: Plea in Abatement Filed

8/24/71: Plea Confessed
Transfer Circuit Court, Baldwin County, Alabama

Paul M. Broussard

I hereby certify that the foregoing is a true and correct copy of the above styled cause, as it appears on record and in the files of the Court of General Sessions of Mobile County, Alabama.

Witness my hand this the 7 day of September, 1971.

J. D. Richardson

Clerk of The Court of General
Sessions of Mobile County, Alabama

COST BILL

Zeichelman & Silver (5)
ATTORNEYS FOR PLTF:—

General Sessions (Civil Div.) Court of Mobile, Mobile County Court House, Mobile, Ala.

Lamel Gordon, indiv & d/o/a Gordon's Auto Service

Plaintiff

JAMES Huntley

Defendant

CASE NO. *98876*

Garnishee

COURT FEES

Summons and proceedings thereon to judgment

\$1.00

Docketing each cause

.10

Law Library Fee

1.00

Garnishment

TOTAL \$

SHERIFF'S FEES

Levying Attachment

6.00

Entering and returning same

.25

Summoning Garnishee and making return

1.50

Serving Summons and other mesne process, and returning the same

1.50

Collecting execution for costs only

1.50

Serving any summons not herein provided for, and making return

1.50

TOTAL \$

GRAND TOTAL \$

7.35

I respectfully call your attention to the above Court Cost Bill which if not paid by _____, 19____, it will be my unpleasant duty to issue execution on your property for the recovery of the same.

J. D. Richardson, Clerk

TRANSFER

NOTICE of ~~APPEAL~~

STATE OF ALABAMA,)
MOBILE COUNTY)

LAMAR GORDON, INDIVIDUALLY AND

d/b/a GORDON'S AUTO SERVICE

Plaintiff

VS.

JAMES HUNTLEY

Defendant

To James Huntley, the defendant

in said Cause:

You are hereby notified that Lamar Gordon, individually and
d/b/a Gordon's Auto Service

the Plaintiff in the above entitled cause has prayed and ob-
tained a transfer to the Circuit Court of Baldwin County, Alabama,
from ~~an appeal from the judgment therein rendered by~~
~~xxxxxx~~ of the COURT OF GENERAL SESSIONS OF MOBILE COUNTY, and having
complied with the requirements of the law in such cases made and provided, the same has
been granted to the next term of the CIRCUIT COURT of Baldwin County, to be held for
said County, you are hereby notified accordingly.

Given under my hand this the 24 day of September 1971

J. D. Richardson
Clerk, Court of General Sessions of Mobile County, Civil Division

10,023
Case No. 98876

Lamar Gordon, individually and
d/b/a Gordon's Auto Service

Plaintiff,

VS

James Huntley

Defendant.

TRANSFER

NOTICE OF ~~ARREST~~

Returnable To The Circuit Court of

Baldwin County, Alabama

Issued: September 7, 1971

Serve On: James Huntley
Route 1, Box 128
Bay Minette, Alabama

TRANSFER

NOTICE of ~~HEARING~~

STATE OF ALABAMA,)
MOBILE COUNTY)

LAMAR GORDON, INDIVIDUALLY AND

d/b/a GORDON'S AUTO SERVICE

Plaintiff

VS.

JAMES HUNTLEY

Defendant

To James Huntley, the defendant

in said Cause:

You are hereby notified that... Lamar Gordon, individually and
d/b/a Gordon's Auto Service

the Plaintiff in the above entitled cause has prayed and obtained a transfer to the Circuit Court of Baldwin County, Alabama, from the COURT OF GENERAL SESSIONS OF MOBILE COUNTY, and having complied with the requirements of the law in such cases made and provided, the same has been granted to the next term of the CIRCUIT COURT of Baldwin County, to be held for said County, you are hereby notified accordingly.

Given under my hand this the 24 day of September 1971

J. D. Richardson
Clerk, Court of General Sessions of Mobile County, Civil Division

Case No. 98876

10,023

E
Lamar Gordon, individually and
d/b/a Gordon's Auto Service

Plaintiff,

VS

James Huntley

Defendant.

TRANSFER
NOTICE OF ~~ARREST~~

Sheriff's
Returnable To The Circuit Court of
Baldwin County, Alabama

Issued: September 7, 1971

Serve On: James Huntley
Route 1, Box 128
Bay Minette, Alabama

SEP 10 1971

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

SEP 8 12 56 PM '71

BY _____

4 miles on
Sheriff claims Total \$ 140
Ten Cents per mile
TAYLOR WILKINS, Sheriff
James Huntley
DEPUTY SHERIFF

Received 10 day of Sept 7 1971
and on 14 day of Sept 7 1971
I served a copy of the within Notice of
Transfer
James Huntley
By service on _____

TAYLOR WILKINS, Sheriff

W. A. Wilkins

D. V. Wilkins

LAMAR GORDON, individually and
d/b/a GORDON'S AUTO SERVICE,

Plaintiff

-VS-

JAMES HUNDLEY,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10,023


DEMURRER

Comes now the Defendant and demurs to the complaint heretofore
filed in this cause and assigns as grounds therefor the following:

1. That the complaint fails to state a legal cause of
action.
2. That the complaint is vague.
3. That the complaint fails to state what the alleged
contract provided.

Defendant demands a trial
by jury in this cause.


ATTORNEY FOR DEFENDANT


ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I certify that I have mailed a copy of the foregoing Demurrer
to Honorable Herbert P. Feibelman, Jr., Suite 2103, First National
Bank Building, Mobile, Alabama, by depositing the same in the
United States Mail, postage prepaid, this 4th day of October, 1971.


ATTORNEY FOR DEFENDANT

FILED

OCT 4 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

FEIBELMAN & SILVER

ATTORNEYS AT LAW

2103 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA 36601

HERBERT P. FEIBELMAN, JR.

IRVING SILVER

P. O. BOX 2082

TELEPHONE 205 433-1597

October 7, 1971

Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama 36507

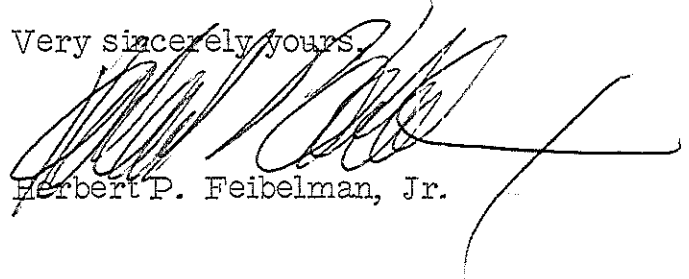
Re: Lamar Gordon
Vs: James Hundley
Case No. 10, 023

Gentlemen:

The Defendant filed a demurrer in the above matter, which such demurrer appears to be well taken. I enclose herewith an amended complaint with respect to the above matter. I should appreciate it if you would either sustain his demurrer to the original complaint or consider the same rendered moot by this amendment.

Thanking you, I am,

Very sincerely yours,



Herbert P. Feibelman, Jr.

HPF/ldw

cc: Mr. Kenneth Cooper

LAMAR GORDON, individually and
doing business as GORDON'S AUTO
SERVICE,

Plaintiff

vs.

JAMES HUNDLEY,

Defendant

§

§

§

§

§

§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10, 023

AMENDED COMPLAINT

Comes now Plaintiff in the above captioned matter and amends his complaint heretofore filed so as to read as follows:

Plaintiff claims of the Defendant FOUR HUNDRED TWELVE AND 31/100 (\$412.31) DOLLARS, damages for the breach of separate and several written agreements entered into by and between the parties hereto dated February 21, 1961, March 15, 1961, June 5, 1969, August 22, 1969, October 10, 1969, October 28, 1969, December 30, 1969, January 12, 1970, January 5, 1970, February 29, 1970, May 20, 1970, May 23, 1970, June 8, 1970, July 23, 1970, August 20, 1970, October 26, 1970, and November 7, 1970, each of which such agreements contain the following language:

"Terms are Cash on Delivery. Estimates are for Labor only, Material is Extra.
I hereby authorize repair work to be done as described above with necessary parts, to be listed at your regular prices. I agree to pay cash on delivery of car, or on satisfactory terms to you; and until paid in full it shall constitute a lien on this car. I further agree that you will not be held responsible for car or articles left in car in case of fire, theft, accidents or other causes beyond your control. My car may be driven by your employees for road tests at my own risk. I further agree that in the event I do not pay the full amount of this statement on the terms agreed to, I will also pay a reasonable attorney's fee for the collection of this account. I further waive any and all rights of exemption under the laws of Alabama or any other State."

Plaintiff says that, although he did each and all of the work required and specified in the separate and several written agreements above referred to, Defendant failed to pay for the same, his last payment having been made on, to-wit, the 14th day of May, 1971. Plaintiff further claims the benefit of the provision

Providing for a reasonable attorney's fee for the collection of said contract, this collection having been turned over to his attorneys, Feibelman & Silver. Plaintiff further claims the benefit of the waiver of exemptions provided in above agreements.

FEIBELMAN & SILVER
Attorneys for Plaintiff

By: 

OF COUNSEL

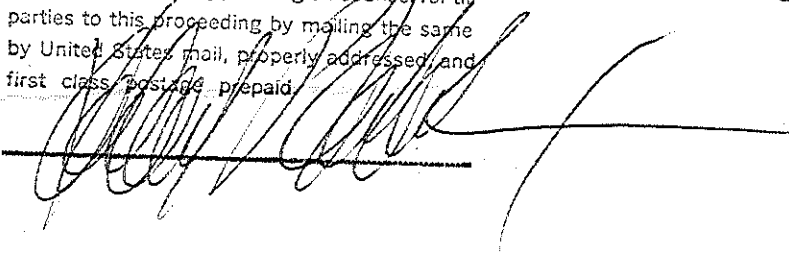
FILED

OCT 8 1971

EUNICE B. SLACKMAN CLERK

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 7th
day of October, 19 71, 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, and
first class postage prepaid.



LAMAR GORDON, individually and
d/b/a GORDON'S AUTO SERVICE,

Plaintiff

-VS-

JAMES HUNDLEY,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10,023

ANSWER

Comes now the Defendant in above-styled cause and for answer
to the amended complaint heretofore filed in this cause, saith:

Not guilty.


ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I certify that I have mailed a copy of the foregoing Answer
to Honorable Herbert P. Feibelman, Jr., Suite 2103, First National
Bank Building, Mobile, Alabama, by depositing the same in the
United States Mail, postage prepaid, this 11th day of October,
1971.


ATTORNEY FOR DEFENDANT

FILED

OCT 11 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

FEIBELMAN & SILVER
ATTORNEYS AT LAW
2103 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA 36601

HERBERT P. FEIBELMAN, JR.
IRVING SILVER

P. O. BOX 2082
TELEPHONE 205 433-1597

November 14, 1972

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

Re: Lamar Gordon
Vs: James Hundley
Case No. 10, 023

Dear Eunice:

This case has been kicking around for sometime now and I just wanted to insure that it will be set on the December, non-jury, docket. If it will be placed on this docket, then there is no need to reply to this letter.

Very truly yours,

Dan Robison

Daniel E. Robison

DER/ldw

*The next Jury docket will be
in January - I am placing
your request for the Judges attention
on our docket sheet*

*Mr. Cooper
Jury Paying
to Not Set*

FEIBELMAN & SILVER
ATTORNEYS AT LAW

MOBILE, ALABAMA 36601

LAMAR GORDON, Individually and : IN THE CIRCUIT COURT OF
d/b/a GORDON'S AUTO SERVICE, :
Plaintiff, : BALDWIN COUNTY, ALABAMA
vs. : AT LAW
JAMES HUNDLEY, :
Defendant : CASE NO. 10,023

REQUEST FOR WRIT OF DISCOVERY


TO THE HONORABLE EUNICE BLACKMON, CLERK OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA:

WHEREAS, in the above entitled cause, the Plaintiff recovered a judgment against the said Defendant, in Case No. 10,023, At Law, on the 15th day of January, 1973 for the sum of FOUR HUNDRED TWELVE AND 31/100 (\$412.31) DOLLARS besides the costs of said cause; and whereas, execution was issued on said judgment against the said James Hundley on the _____ day of _____, 1973, the said execution was returned by the Sheriff of Baldwin County, Alabama, with the endorsement thereon "No Property Found" and said judgment remains unpaid and unsatisfied.

NOW, THEREFORE, this is to request you, as Clerk of said Court, to issue a notice to the said James Hundley requiring him to file in the Circuit Court, within thirty days from service of notice, a statement in writing, under oath, of all the assets of the said James Hundley, including money, personal and real property, choses in action, bonds and accounts, with a detailed description of the same, the location and reasonable value of each item thereof, together with a detailed statement of all liens, mortgages or encumbrances thereon, showing the amounts due on each, and the holder of such liens, mortgages or encumbrances.

James Hundley lives at Route 1, Box 128, Bay Minette, Alabama.

Dated this 13th day of March, 1973.


HERBERT P. FEIBELMAN, JR.
Attorney for Plaintiff

LAMAR GORDON, Individually and
d/b/a GORDON'S AUTO SERVICE,

Plaintiff,

vs.

JAMES HUNDLEY,

Defendant

: IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

: AT LAW

: CASE NO. 10,023

REQUEST FOR WRIT OF DISCOVERY

TO THE HONORABLE EUNICE BLACKMON, CLERK OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA:

WHEREAS, in the above entitled cause, the Plaintiff recovered a judgment against the said Defendant, in Case No. 10,023, At Law, on the 15th day of January, 1973 for the sum of FOUR HUNDRED TWELVE AND 31/100 (\$412.31) DOLLARS besides the costs of said cause; and whereas, execution was issued on said judgment against the said James Hundley on the _____ day of _____, 1973, the said execution was returned by the Sheriff of Baldwin County, Alabama, with the endorsement thereon "No Property Found" and said judgment remains unpaid and unsatisfied.

NOW, THEREFORE, this is to request you, as Clerk of said Court, to issue a notice to the said James Hundley requiring him to file in the Circuit Court, within thirty days from service of notice, a statement in writing, under oath, of all the assets of the said James Hundley, including money, personal and real property, choses in action, bonds and accounts, with a detailed description of the same, the location and reasonable value of each item thereof, together with a detailed statement of all liens, mortgages or encumbrances thereon, showing the amounts due on each, and the holder of such liens, mortgages or encumbrances.

James Hundley lives at Route 1, Box 128, Bay Minette, Alabama.

Dated this 13th day of March, 1973.


HERBERT P. FEIBELMAN, JR.
Attorney for Plaintiff