

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

CASE NO. 36704 -

10,047

PERLOFF, REID & BRISKMAN
BY: T. DWIGHT REID

SEARS, ROEBUCK AND COMPANY, a corporation

N.J.

VS. Suit for \$1,027.75 w/interest due by account -
itemized-verified statement of account

WILTERS, BRANTLEY & NESBIT
BY: PHYLLIS S. NESBIT
P.O. Box 555
Robertsdale, Alabama 36567

GARY L. TEDDER

N.J.

PLEADINGS, PROCESS, ETC,	* FILING DATE *

1. Complaint & Summons	* 9-3-71 * C & S served on Gary L. Tedder on September 14, 1971.
2. Plea in Abatement	* 9-22-71 * September 29, 1971 - Plea in Abatement sustained and Case ordered
	* transferred to the Circuit Court of Baldwin
	* County, Alabama.
	* /s/ Joseph M. Hocklander, Judge
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44-92

FILED
SEP 30 1971
UNICE B. BLACKMON CIRCUIT CLERK

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 29th day of September, 1971.

John E. Mandeville, Clerk

SEARS, ROEBUCK AND)	IN THE CIRCUIT COURT OF
COMPANY, a corporation,)	MOBILE COUNTY, ALABAMA,
Plaintiff,)	AT LAW
vs.)	
GARY L. TEDDER,)	
Defendant.)	CASE NO. <u>36704</u>

COUNT ONE

Plaintiff claims of the defendant the sum of ONE THOUSAND TWENTY-SEVEN & 75/100 (\$1,027.75) DOLLARS due from him by account on, to-wit: the 22nd day of December, 1969, which sum of money with the interest thereon is still unpaid.

COUNT TWO

Plaintiff claims of the Defendant the sum of ONE THOUSAND TWENTY-SEVEN & 75/100 (\$1,027.75) DOLLARS due from him by account stated on, to-wit: the 22nd day of December, 1969, which sum of money with the interest thereon is still unpaid.

COUNT THREE

Plaintiff claims of the Defendant the sum of ONE THOUSAND TWENTY-SEVEN & 75/100 (\$1,027.75) DOLLARS for merchandise had and received by the defendants from the plaintiff prior to the 22nd day of December, 1969, which sum of money with the interest thereon is still unpaid.

COUNT FOUR

Plaintiff claims of the Defendant the sum of ONE THOUSAND TWENTY-SEVEN & 75/100 (\$1,027.75) DOLLARS due from them by account on, to-wit: the 22nd day of December, 1969, which sum of money with the interest thereon is still unpaid. This suit is filed on an itemized verified statement of account, which is attached hereto and made a part thereof.

PERLOFF, REID & BRISKMAN

BY: T. Dwight Reid
Attorneys for Plaintiff

Defendant may be served:
Stauffer Chemical Co. Cold Creek Organic Plant
Le Moyne, Alabama

STATE OF ALABAMA
CLERK OF THE COURT
MOBILE COUNTY
FILED
1971
DEC 20
CLERK

COUNTY OF Mobile

STATE OF Alabama

Be it remembered, that on this 31st day of May
A. D., 1971, personally appeared before me, the undersigned authority,

E. A. Daigle known to me
who being duly sworn, upon his oath stated that he is Assistant Credit Sales Manager
of Sears, Roebuck and Company

{ a corporation organized and doing business under the laws of the State of Alabama
{ and has been duly authorized by said corporation to make this affidavit
{ a partnership composed of

a sole trader doing business as A Corporation
and that as such he makes this affidavit; that he is familiar with the books and business of
said Sears, Roebuck and Company

Gary L. Tedder of General Delivery, Loxley, Alabama 36521
is just and correct, within the knowledge of this affiant, that the items thereon stated and com-
posing the said account were sold and delivered to said Gary L. Tedder

at { its
their } special instance and request, that credit has been duly given for all payments and
his

just and lawful offsets to which said account is entitled as thereon stated, and that the balance
thereof, amounting to the sum of One Thousand and Twenty-Seven & 75/100 Dollars
(\$ 1,027.75) with interest from December 22, 1969 is justly due and
remains unpaid.

I hereby certify under my official seal that I am authorized as a Notary Public to
administer oaths under the laws of the State of Alabama
and that the foregoing was subscribed and sworn to before me on the day and year
first above stated.

Mary Lee
Notary Public

John M. Mendenhall
CLERK

COUNTY OF Mobile

STATE OF Alabama

Be it remembered, that on this 31st day of May
A. D., 1971, personally appeared before me, the undersigned authority,
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of Sears, Roebuck and Company

{ a corporation organized and doing business under the laws of the State of Alabama
{ and has been duly authorized by said corporation to make this affidavit
{ a partnership composed of _____

a sole trader doing business as A Corporation
and that as such he makes this affidavit; that he is familiar with the books and business of
said Sears, Roebuck and Company; that the attached account against
Gary L. Tedder of General Delivery, Loxley, Alabama 36521

is just and correct, within the knowledge of this affiant, that the items thereon stated and com-
posing the said account were sold and delivered to said Gary L. Tedder

at { its
their } special instance and request, that credit has been duly given for all payments and
his

just and lawful offsets to which said account is entitled as thereon stated, and that the balance
thereof, amounting to the sum of One Thousand and Twenty-Seven & 75/100 Dollars
(\$ 1,027.75) with interest from December 22, 1969 is justly due and
remains unpaid.

E. A. Daigle assist. Credit Manager X

I hereby certify under my official seal that I am authorized as a Notary Public to
administer oaths under the laws of the State of Alabama
and that the foregoing was subscribed and sworn to before me on the day and year
first above stated.

Mary Lee

Notary Public

COUNTY OF Mobile

STATE OF Alabama

Be it remembered, that on this 31st day of May
A. D., 19 71, personally appeared before me, the undersigned authority,
E. A. Daigle known to me

who being duly sworn, upon his oath stated that he is Assistant Credit Sales Manager
of Sears, Roebuck and Company

{ a corporation organized and doing business under the laws of the State of Alabama
{ and has been duly authorized by said corporation to make this affidavit
{ a partnership composed of _____

a sole trader doing business as A Corporation
and that as such he makes this affidavit; that he is familiar with the books and business of
said Sears, Roebuck and Company; that the attached account against
Gary L. Tedder of General Delivery, Loxley, Alabama 36521
is just and correct, within the knowledge of this affiant, that the items thereon stated and com-
posing the said account were sold and delivered to said Gary L. Tedder

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just and lawful offsets to which said account is entitled as thereon stated, and that the balance
thereof, amounting to the sum of One Thousand and Twenty-Seven & 75/100 Dollars
(\$ 1,027.75) with interest from December 22 1971 is justly due and
remains unpaid.

E. A. Daigle, Assistant Credit Mgr. X

I hereby certify under my official seal that I am authorized as a Notary Public to
administer oaths under the laws of the State of _____
and that the foregoing was subscribed and sworn to before me on the day and year
first above stated.

Mary G. Lee

Notary Public

Sears

SEARS, ROEBUCK AND CO.

Mr. T. Dwight Reid
Attorney At Law
257 St. Anthony St.
Mobile, Ala. 36603

Mobile, Alabama
Aug. 27, 1971

RE: Mr. Gary L. Tedder

Dear Mr. Reed:

This is to advise you that the above customer has
an unpaid balance of \$1027.75 on his Sears Revolving
Charge Account.

If there are any further questions regarding this
matter please contact me.

Yours truly



D.R. Seif
Collection Manager

DRS/bk

thank you for shopping at Sears

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

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

GARY L. TEDDER

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

SEARS, ROEBUCK AND COMPANY, A Corporation

WITNESS: John E. Mandeville, Clerk of said Court, this 3rd day of SEPTEMBER, 19 71

Attest:

John E. Mandeville

Clerk

SHERIFF'S RETURN

Received 7 day of Sept, 19 71 and on 14 day
of Sept, 19 71, I served a copy of
the within 648 on

by service on

Gary L. Tedder

RAY D. BRIDGES, SHERIFF

By

W. P. Lyons

D.S.

No. 36704

JUDGE

DOCKET

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

Sears, Roebuck and Company, A
Corporation,

VS.

Complaint and Summons

14X
G. L. Tedder
Gary L. Tedder

Issued 3rd day of September, 1971

Defendant's Address

Gary L. Tedder
Stauffer Chemical Company
Cold Creek Organic Plant
LeMoyne, Alabama

T. DWIGHT REID

Plaintiff's Attorney

JUDGE

DOCKET

CIRCUIT COURT

CIR

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Complaint and Summary

Exhib.
ry L. Tedder

Complaint and Summons

14X
Gary L. Teo

Gary L. Tedder
Stauffer Chemical Company
Cold Creek Organic Plant
LeMoyne, Alabama

Plaintiff's Attorney

SEARS, ROEBUCK AND COMPANY,
A Corporation

Plaintiff

VS.

GARY L. TEDDER

Defendant

I

I

I

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

AT LAW

CASE NO. 36704

VERIFIED PLEA IN
ABATEMENT

Comes now the Defendant, Gary L. Tedder, and files this, his Plea in Abatement, to the Complaint filed against him and for grounds therefore says:

1.

That this Court is without jurisdiction to try this cause.

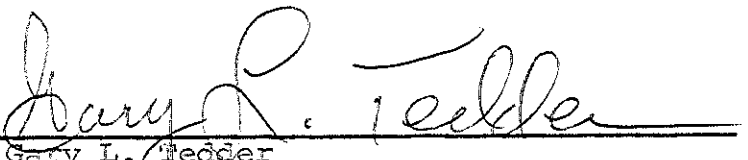
2.

That the Defendant, Gary L. Tedder, is a resident citizen of Baldwin County, Alabama, residing in Loxley, Alabama, and has been residing in Loxley, Alabama, for the past twenty-two (22) years. That the suit filed against him is based on a contract and this Court is without jurisdiction to try this cause.

3.

That this Court is without jurisdiction to try this matter, that this Court's jurisdictional limitations extend no further than the boundary of Mobile County.

The above pleas are entered for the following purposes: For the pleading to the jurisdiction of this Court and the Defendant reserves the right to file such other pleadings as he may deem necessary in this cause.



Gary L. Tedder

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

SEP 22 8 30 AM '71


CLERK

STATE OF ALABAMA

BALDWIN COUNTY

Before me, CAROL S. STALLINGS, a Notary Public, in and for said County, in said State, hereby appeared Gary L. Tedder, who having been by me first duly sworn deposes and says that he has read the foregoing Plea in Abatement and that the facts stated therein are true.

Gary L. Tedder
Gary L. Tedder

Sworn to and subscribed before me on this the 21st day of September, 1971.

Carol S. Stallings
Notary Public, Baldwin County, Alabama

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 21 day of Sept 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, and first class postage prepaid.

WILTERS, BRANTLEY & NESBIT

By: Thyphus L. Nesbit

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

SEP 22 8 30 AM '71

John H. Hartsell
CLERK

HARRY J. WILTERS, JR.
TOLBERT M. BRANTLEY
PHYLLIS S. NESBIT

LAW OFFICES OF
WILTERS, BRANTLEY & NESBIT
P. O. BOX 555
ROBERTSDALE, ALABAMA 36567

PHONES
ROBERTSDALE 947-4682

September 21, 1971

Mr. John E. Mandeville, Clerk
Circuit Court of Mobile County
Mobile, Alabama

In Re: Sears, Roebuck and Company vs. Gary L. Tedder,
Case No. 36704

Dear Mr. Mandeville:

Enclosed please find Verified Plea in Abatement signed by
Gary L. Tedder in the above styled case.

Please let me know when the matter is set down for a hearing
if the Plea is not confessed.

Sincerely yours,

WILTERS, BRANTLEY & NESBIT

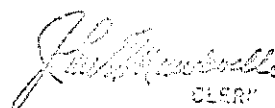
BY: 

(Mrs.) Phyllis S. Nesbit
Attorney at Law
Robertsdale, Alabama

Encl. (1)

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

SEP 22 8 30 AM '71


CLERK

GARY L. TEDDER

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

It is ordered and adjudged by the Court that defendant's said Plea in Abatement filed September 22, 1971, to the complaint in this cause be, and the same is hereby sustained, and Case ordered transferred to the Circuit Court of Mobile County, Alabama.

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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 29th day of September, 1971, in the cause
entitled No. 36704 - SEARS, ROEBUCK AND COMPANY, a Corporation

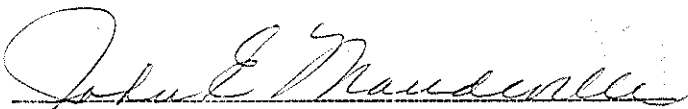
_____, Plaintiff,

— versus — GARY L. TEDDER

Defendant, (~~TO BE COMPLETED BY CLERK OF COURT~~), as the same remains of record in this office in
Minute Book No. 44, Page No. 92

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 29th day of September, 1971.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

