

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

CASE NO. 36868 - McRAE

ENGEL AND SMITH
BY: David L. Barnett

ASSOCIATES FINANCIAL SERVICES COMPANY, INC., a corporation

N.J.

VS. Suit for \$5,749.75 due by account
(Itemized-verified account)

WILTERS & BRANTLEY
BY: Harry J. Wilters, Jr.
P.O. Box 968 - Bay Minette, Ala. 36507

ROY C. DAVIS, JR.

N.J.

PLEADINGS, PROCESS, ETC, * FILING DATE *

1. Complaint & Summons * 9-24-71 *
2. Itemized Verified *
Account and Affidavit * 9-24-71 *
3. Plea in Abatement * 10-15-71 *
* * * * *

C & S served on Roy C. Davis, Jr. on September 30, 1971.

Oct. 26, 1971 - Plea in Abatement sustained, Case ordered transferred to
Circuit Court of Baldwin County, Alabama.
/s/ Ferrill D. McRae, Judge

44-226

FILED

NOV 3 1971

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 28th day of October 1971.

FUNICE B. BLACKMON
CIRCUIT CLERK

John E. Mandeville Clerk

10,099
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ASSOCIATES FINANCIAL SERVICES
COMPANY, INC., a corporation, *

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

Plaintiff,

vs.

ROY C. DAVIS, JR.

Defendant.

* CASE NO. 36868

COMPLAINT

The Plaintiff claims of the Defendant the sum of
FIVE THOUSAND SEVEN HUNDRED FORTY NINE AND 75/100 (\$5,749.75)
DOLLARS, due from him by account, which sum of money, together
with interest thereon, is still due and unpaid.

An itemized statement of the account sued on, verified
by the affidavit of a competent witness is attached hereto
as Exhibit "A" and made a part hereof.

ENGEL AND SMITH
Attorneys for Plaintiff

BY: 

DAVID L. BARNETT

Defendant may be served at:

Devore Brokerage
Loxley, Alabama

-or-

P.O. Box 186
Loxley, Alabama 36551

ENGEL, SMITH
& TOLER
ATTORNEYS AT LAW
SUITE 910
VAN ANTWERP BUILDING
P.O. BOX 1045
MOBILE, ALABAMA 36601
TELEPHONE
A/C 205 438-3625

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

SEP 24 2 30 PM '71


Clerk

Roy C/ Davis,
P.O. Box 186
Loxley, Alabama

8505-232-22
Repossessed 4-28-70
Sold 7-1-71

STATE OF Alabama

COUNTY OF Baldwin

ITEMIZED ACCOUNT AND AFFIDAVIT

ACCOUNT OF Roy C. Davis, Jr.

1. Time Balance:

11,149.50

2. Installments Paid —

DATE	AMT.	DATE	AMT.	DATE	AMT.	DATE	AMT.
12-23-69	371.65						
1-29-70	371.65						
3-25-70	371.65	NSF					
4-15-70	371.65						
5-28-70	371.65						
6-29-70	371.65						
7-31-70	371.65						
10-1-70	371.65						

2601.55

Total Amount Paid:

8,547.95

3. Unpaid Time Balance (Item 1 minus Item 2):

4. Expense of Repossession and Sale — 1.80

(a) Repairs: _____

(b) Other (Specify): _____

Total Expenses:

1.80

5. Total Debit (Item 3 plus Item 4):

8549.75

6. Credits —

(a) Proceeds of Sale: 2800.00

(b) Refunded Ins. Prem. _____

(c) Other (Specify): _____

Total Credits:

2800.00

7. Sum Sued For (Item 5 minus Item 6):

5749.75

Before me personally appeared M.E. Care., who, being duly sworn, says that he is Recovery Clerk of the Jacksonville, Fla. office of Associates Discount Corporation, and as such he has personal knowledge of the foregoing Account; that it is true and correct; and that no part of the sum sued for has been paid by discount or otherwise.

M.E. Care

SWORN TO before me this 17th
day of September, 1971.

Barbara C. Stettin (LS)
Notary Public for State of Florida at Large
My Commission Expires June 25, 1974
Bonded by American Fire & Casualty Co.

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

SEP 24 2 31 PM '71

John Marshall
CLERK

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

ROY C. DAVIS, JR.

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
ASSOCIATES FINANCIAL SERVICES COMPANY, INC., a corporation

WITNESS: John E. Mandeville, Clerk of said Court, this 24th day of September, 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.

Received 30 day of Sept 1971
and on 30 day of Sept 1971
I served a copy of the writ on
Ray C. Davis, Jr.
By service on

TAYLOR WILKINS, SHERIFF
D. H. Brown, D.S.
46 N. 17
Lafayette

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA CLAIM \$1.50 EX. FEE
FOR SERVING PROCESS
TRAVEL EXPENSE ON EACH OF
PROCESS FOR A TOTAL OF \$ 5.13

mail
No. 36868

JUDGE _____ DOCKET
CIVIL DIVISION
CIRCUIT COURT
MOBILE COUNTY

ASSOCIATES FINANCIAL SERVICES
COMPANY, INC., a corporation

VS. } Complaint and Summons

ROY C. DAVIS, JR.

SEP 30 1971

TAYLOR WILKINS
SHERIFF
Issued 24th day of September, 1971

Defendant's Address
Devore Brokerage
Loxley, Alabama
or
P.O. Box 186
Loxley, Alabama 36551

DAVID L. BARNETT
Plaintiff's Attorney

ASSOCIATES FINANCIAL SERVICES
COMPANY, INC., a Corporation,

Plaintiff,

vs.

ROY C. DAVIS, JR.,

Defendant.

X

X

X

X

X

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

CASE NO. 36868

MC

PLEA IN ABATEMENT

Comes the Defendant in the above styled cause, and appearing especially for the purpose of filing the following plea in abatement, and for no other purpose, pleas in abatement to the Complaint filed in this cause, and to each count thereof as follows, separately and severally:

1.

That this Honorable Court is without jurisdiction of the cause of action sued on in this:

That he has been a resident continuously of Baldwin County, Alabama, for more than twenty years, and that he is not now nor has he ever been a resident of Mobile County, Alabama.

WHEREFORE, the Defendant says, he cannot be sued in the Circuit Court of Mobile County, Alabama, and that the Circuit Court of Mobile County, Alabama, has no jurisdiction of the cause of action made the basis of this suit, and that this Court ought not to take further jurisdiction of this cause.

Roy C. Davis, Jr.

Roy C. Davis, Jr.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Amelia G. Perkins, a Notary Public, in and for said County, in said State, personally appeared Roy C. Davis, Jr., who, being by me first duly sworn, deposes and says that he is the Defendant in the above styled cause, and that he is cognizant of the facts stated in the above and foregoing plea in abatement, and that the facts stated therein are true and correct to the best of his knowledge, information and belief.

Roy C. Davis, Jr.

Roy C. Davis, Jr.

Sworn to and subscribed before me on this the 14th day of
October, 1971.

Amelia D. Perkins
Notary Public, Baldwin County, Ala.

WILTERS & BRANTLEY
Attorneys at Law
P. O. Box 968
Bay Minette, Alabama 36507
Attorneys for the Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 14 day of October,
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

By: *Sam J. Wilters*

STATE OF ALABAMA CO.
I CERTIFY THIS PLEADING
WAS FILED ON

OCT 15 8 25 AM '71

John Marshall
CLERK

TUESDAY, OCTOBER 26, 1971

ASSOCIATES FINANCIAL SERVICES
COMPANY, INC., a corporation

McRAE -vs- 36868

ROY C. DAVIS, JR.

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

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed October 15, 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 defendant's said Plea in Abatement filed October 15, 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 44

Page 226

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 26th day of October, 19 71, in the cause
entitled No. 36868 - ASSOCIATES FINANCIAL SERVICES COMPANY, INC., a
corporation

_____, Plaintiff,
— versus — ROY C. DAVIS, JR.

Defendant, (~~To appear without a motion for summary judgment~~), as the same remains of record in this office in
Minute Book No. 44, Page No. 226.

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 28th day of October, 19 71.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

ASSOCIATES FINANCIAL SERVICES X
COMPANY, INC., A corporation, X

Plaintiff, X

Vs. X

ROY C. DAVIS, JR., X

Defendant. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10,098

Comes now the Defendant in the above styled cause and for
answer to the Plaintiff's Bill of Complaint says:

1.

Not guilty.

WILTERS & BRANTLEY

BY: 

Harry J. Wilters, Jr.,
Attorney for the Defendant

Defendant demands a trial by jury.

WILTERS & BRANTLEY

BY: 

Harry J. Wilters, Jr.,
Attorney for the Defendant

FILED

NOV 10 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 10 day of November
1971, served a copy of the foregoing petition on all
parties to this proceeding by mailing the same by registered
Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

BY: 

ASSOCIATES FINANCIAL SERVICES)
COMPANY, INC., a Corporation

Plaintiff,

vs.

ROY C. DAVIS, JR.,

Defendant,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10,098

AMENDED ANSWER

Comes now the Defendant in the above styled cause, and amends his Answer by filing the following:

2.

The Defendant says that he has paid the debt, for the recovery of which this suit was brought before the action was commenced.

WILTERS & BRANTLEY

BY:

[Signature]
Attorneys for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 15 day of January 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, and first class postage prepaid.

WILTERS & BRANTLEY

By:

[Signature]

FILED

JAN 15 1973

EUNICE D. BLACKMON CIRCUIT CLERK