

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon O'Neal Boyington, to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against O'Neal Boyington, Defendant by Milford Homan, Plaintiff.

Witness my hand this 29 day of December, 1971.

Eunice B. Blackmon
CLERK

MILFORD HOMAN	*	IN THE CIRCUIT COURT OF
Plaintiff	*	BALDWIN COUNTY, ALABAMA.
VS	*	AT LAW.
O'NEAL BOYINGTON	*	CASE NO. <u>10,174</u>
Defendant	*	

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The Plaintiff claims of the Defendant the sum of Three Hundred Eighty-one and 12/100 (\$381.12) Dollars being the balance due and unpaid of a promissory waive note in the amount of Three Hundred Eighty-one and 12/100 (\$381.12) Dollars drawn by the defendant on the 23rd day of April, 1971, payable to the Baldwin County Bank of Bay Minette, the first installment being due the 30th day of May, 1971, and each month thereafter until fully paid; with the total unpaid amount becoming due on the failure of defendant to pay any of the individual payments, and the said payments not being paid as they matured, by the said defendant, said note was charged back to the account of the plaintiff herein by the Baldwin County Bank and is owned by the said plaintiff.

Whereas, said note in the balance due amount of Three Hundred Eighty-one and 12/100 (\$381.12) Dollars with interest thereon, is still unpaid.

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The plaintiff claims of the defendant a reasonable attorney fee as provided in the said promissory waive note.

Edwin Thompson
Attorney for Plaintiff

FILED

DEC 29 1971

EUNICE B. BLACKMON
CIRCUIT CLERK

10,174 (D)
Milford Homan

vs.
O'Neal Bayington

FILED
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EUNICE B. BLACKMON
CIRCUIT CLERK

DEC 29 1971
TAYLOR WILKINS
SHERIFF

Defendant may be
served at
324 Clay Street
Clay, Mottle, Ala.

C. L. Thompson

Received 29 day of December 1971
and on 8 day of June 1972
I served a copy of the within D & C
on O'Neal Bayington

By service on _____

TAYLOR WILKINS
by W. G. Black S.

or

DEPUTY SHERIFF

Sen Cont's per mile Total \$
TAYLOR WILKINS, Sheriff

MILFORD HOMAN, Ø IN THE CIRCUIT COURT OF
 Plaintiff, Ø BALDWIN COUNTY, ALABAMA
vs. Ø AT LAW
O'NEAL BOYINGTON, Ø CASE NO. 10,174
 Defendant. Ø

PLEA IN ABATEMENT

Comes now the Defendant in the above styled cause,
by and through his attorney of record, and appears specifically
and only for the purpose of filing this Plea In Abatement and
for no other purpose, and in support thereof would respectfully
show unto the Court as follows:

1. That the note sued on by the Plaintiff is the
property of the Baldwin County Bank and the said bank has
not assigned or otherwise transferred the said note to the
Plaintiff; therefore, the said Plaintiff has no standing
whatsoever to maintain this suit;

Wherefore, the Defendant moves that this action
be abated.

Respectfully submitted

E.E. Ball

E.E. Ball, Attorney for Defendant

I hereby certify that I have this day served the
above and foregoing pleading upon the attorney for the Plaintiff
by mailing a copy thereof to him, postage prepaid and properly
addressed to him at his office in Bay Minette, Alabama, this
the 7th day of February, 1972.

E.E. Ball

E.E. Ball

FILED

FEB 7 1972

EUNICE B. BLACKMON CIRCUIT
 CLERK