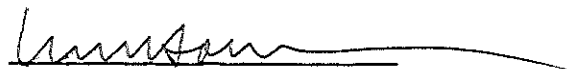


FIRST NATIONAL BANK OF MOBILE,	)	IN THE CIRCUIT COURT OF
a National Banking Corporation,	)	BALDWIN COUNTY, ALABAMA
d/b/a BANKAMERICARD	)	
	)	
Plaintiff	)	AT LAW
	)	
VS	)	
	)	
GUY L. JACKSON	)	
	)	
Defendant	)	CASE NO. 10,637

MOTION FOR JUDGMENT NIL DICIT

Comes now the plaintiff in the above styled cause and shows unto Your Honor that heretofore on to-wit, February 20, 1973, Your Honor over ruled defendant's demurrer of the plaintiff's complaint and since that date the defendant has failed or refuse to plead further.

WHEREFORE, plaintiff prays judgment dil dicit.

  
WILLIAM L. HOWELL  
Attorney for Plaintiff  
2204 First National Bank Bldg.  
Mobile, Alabama 36602

CERTIFICATE OF SERVICE  
I certify that on this 8 day of March, 1973, a copy of the foregoing pleading has been served upon counsel for all adverse parties to this proceeding by mailing the same to each by first class U. S. mail, properly addressed and postage prepaid.

  
ATTORNEY FOR

**FILED**

MAR 9 1973

EUNICE B. BLACKMON CIRCUIT CLERK

WILLIAM L. HOWELL

*Attorney at Law*

December 6, 1972

SUITE 2204

FIRST NATIONAL BANK BLDG.  
MOBILE, ALABAMA 36602

TELEPHONE

AREA CODE 205  
438-2516

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

Re: BankAmericard vs Guy L. Jackson, Case No. 10,637


Dear Ms. Blackmon:

Please issue an alias (pluries) complaint and summons at the following address by registered mail service:

P. O. Box 543, Foley, Alabama

Thanking you in advance for your cooperation, and with warmest personal regards, I am,

Very truly yours,

  
William L. Howell

WLH:gd

Encl:

STATE OF ALABAMA

COUNTY OF MOBILE:

Personally appeared before me, William L. Howell, first  
being duly sworn, deposed and saith that he is the Attorney of  
Record in the cause of First National Bank of Mobile  
d/b/a Bankamericard vs


Guy L. Jackson and that he is informed and believes and  
upon such information and belief states the fact to be that the  
above mentioned defendant is a resident of the State of Alabama  
and that the said defendant has been absent from the State of  
Alabama for six months next preceding the filing of this action  
or is concealing himself so that process cannot be served upon  
him, that said defendant is over the age of twenty-one (21) and  
said defendant has as his address:

P. O. Box 543, Foley, Alabama

WHEREFORE, the premises considered, the plaintiff prays  
service of process be issued to the defendant at said address  
under provisions of Title 7, Section 201, 202, Code of Alabama  
1940 (Recompiled 1958).

  
WILLIAM L. HOWELL  
Attorney for Plaintiff

Subscribed and sworn to before me  
the 9<sup>th</sup> day of Dec. 1972

  
NOTARY PUBLIC  
Alabama, State-at-large

FILED

DEC 9 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

70-1643


STATE OF ALABAMA

COUNTY OF MOBILE:

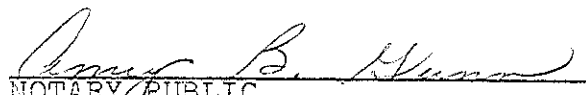
Personally appeared before me, William L. Howell, first being duly sworn, deposed and saith that he is the Attorney of Record in the cause of First National Bank of Mobile vs d/b/a Bankamericard Guy L. Jackson and that he is informed and believes and upon such information and belief states the fact to be that the above mentioned defendant is a resident of the State of Alabama and that the said defendant has been absent from the State of Alabama for six months next preceding the filing of this action or is concealing himself so that process cannot be served upon him, that said defendant is over the age of twenty-one (21) and said defendant has as his address:

P. O. Box 543, Foley, Alabama

WHEREFORE, the premises considered, the plaintiff prays service of process be issued to the defendant at said address under provisions of Title 7, Section 201, 202, Code of Alabama 1940 (Recompiled 1958).

  
WILLIAM L. HOWELL  
Attorney for Plaintiff

Subscribed and sworn to before me  
the 9<sup>th</sup> day of Dec. 1972


  
NOTARY PUBLIC  
Alabama, State-at-large

FIRST NATIONAL BANK OF MOBILE, a ] IN THE CIRCUIT COURT  
National Banking Corporation, d/b/a ]  
BANKAMERICARD, ] OF BALDWIN COUNTY,  
Plaintiff ]  
VS ] AT LAW  
GUY L. JACKSON ]  
Defendant(s) ] CASE NUMBER 10637

The Plaintiff claims of the defendant(s), jointly and individually, \$638.99 Dollars, damages for the breach of a written agreement entered into by defendant(s) on the 22 day of December 1969. A true, correct, and complete copy of said written agreement is attached hereto, marked Plaintiff's Exhibit "A", and incorporated herein by reference as though expressly set out herein in full.

And the Plaintiff says that although it has extended credit sums on the basis of the use of said BankAmericard and although it has complied with all its provisions of its part, the defendant(s) failed to comply with the following provisions thereof, viz: the defendant(s) failed or refused and still fail(s) and refuse(s) to pay obligations evidencing said credit sums and applicable service charges to the damage of the Plaintiff in the aforesaid sum.

Plaintiff further claims a reasonable attorney's fee as provided for under the terms of said written agreement.

  
WILLIAM L. HOWELL  
Attorney for Plaintiff  
2204 First National Bank Bldg.  
Mobile, Alabama 36602

Serve the defendant:

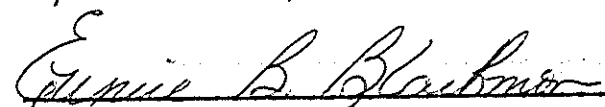
Rural Route (Near Wolf's Bay), Foley, Ala. or  
23 Claridge Rd., Foley, Alabama

STATE OF ALABAMA)  
BALDWIN COUNTY )  
TO ANY SHERIFF IN THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summons Guy L. Jackson TO appear in the Circuit Court of Baldwin County, Alabama, within 30 days from the service of this writ, at the place of holding the same, then and there to answer the annexed complaint of First National Bank of Mobile, a national banking association d/b/a BankAmericard.

**FILED** my hand as Clerk, this 4 day of Oct. 1972.

OCT 6 1972

  
CLERK

EUNICE B. BLACKMON CIRCUIT  
CLERK

70-642

CASE #10, 537

FIRST NATIONAL BANK OF MOBILE

*[Handwritten signature]*

VS:

RECEIVED

OCT 17 1972

GUY L. JACKSON TAYLOR WILKINS

SHERIFF

*[Handwritten signature: Blake County Jackson, Ala.]*

RECEIVED

OCT 16 1972

TAYLOR WILKINS

SHERIFF

FILED

OCT 6 1972

FUNICE B. BLACKMON CLERK

WILLIAM L. HOWELL

Attorney for Plaintiff

XXXXXX

Received 17 day of Oct 19 72

and on \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

I served a copy of the within on Guy L. Jackson

By service on \_\_\_\_\_

Sheriff claims \_\_\_\_\_ miles at

Ten Cents per mile Total \$ \_\_\_\_\_  
TAYLOR WILKINS, Sheriff

BY \_\_\_\_\_  
DEPUTY SHERIFF

Returned 3/4 day of Oct 19 72

Not found in my county after diligent search and in-

Received 12 day of Oct 19 72  
Not found in my county after diligent search and in-

Taylor Wilkins, Sheriff  
Cook  
Deputy Sheriff

Taylor Wilkins, Sheriff  
Carlisle Childress  
Deputy Sheriff

Exhibit "A"

C. J. JACKSON Age 34 Draft Status *Civil*  
 BOX 501 FULTON STA. How Long Yrs.  
 MOBILE, ALA. Zip 36605 Home Phone *473-7654*  
 FOLEY, ALA. City How Long 3 Yrs.  
 SELF - PUBLISHER, ON THE GO MAGAZINE Monthly Income *1600.00*  
 EDITOR + ADV. SALES *42-7621* How Long 20 Yrs.  
 THE ONLOOKER, FOLEY ALE. How Long 2 Yrs.  
 9432151 How Long Yrs.

FARMERS & MERCHANTS

Collection Agent *DAY MINETTE*

Credit Cards  
 PE, FOLEY  
 5247  
 Name Date of the agreement.

Address City  
 Branch Savings Loan  
 BANKAMERICARD  
 CHARGE-OFF  
 DATE 10-29-71  
 AMT 635.90  
 NAMES RELATIONSHIP

Signature *Sam H. Jackson*

DATE INT.

040-050-002  
 (12) Type 1357 265 (18) No. 9234  
 (13-14) C. 200 Date 12/23/69  
 (15-17) Area. Approved by *RUB*  
 1 2 3 4 5 6 7 8 9 0  
 943-5455

CUSTOMER AGREEMENT

Use of the Bank Americard by, or with the consent of, the holder constitutes agreement as follows: Holder agrees (1) to assume responsibility to First National Bank of Mobile or its assignee for credit extended on the basis of the BankAmericard; (2) to pay, at such place as Bank designates, obligations evidencing such credit, and Finance Charges where applicable, in accordance with billings; and the current Customer Payment Schedule, including a reasonable attorney's fee in the event of suit or action; (3) to notify Bank promptly in writing, of loss of the BankAmericard; (4) that the BankAmericard may be cancelled by Bank at any time; (5) to surrender the BankAmericard upon demand; (6) to waive and release Bank from all defense, rights and claims holder may have against any merchant or company honoring the BankAmericard; (7) any claim of Bank against holder shall at Bank's option become immediately due and payable if holder fails to perform any terms hereof or to make payments as otherwise agreed, or if within the judgement of Bank the credit standing of holder becomes impaired.

CUSTOMER PAYMENT SCHEDULE

I agree that when I extend payment, I will pay a PERIODIC RATE of 1 1/2% (18% ANNUAL PERCENTAGE RATE)\* on the previous balance and make monthly payments in accordance with the Payment Chart below:

NEW BALANCE	MINIMUM PAYMENT
\$10 to \$200	\$10
Over \$200	5% of New Balance
(Balances under \$10 are payable in full)	
* 18% ANNUAL PERCENTAGE RATE	

WILLIAM L. HOWELL  
LAWYERS

WILLIAM L. HOWELL  
M LLOYD ROEBUCK

2204 FIRST NATIONAL BANK BLDG.  
MOBILE, ALABAMA 36602  
AREA CODE (205) 438-2516

May 5, 1976

MS. EUNICE B. BLACKMON, CLERK  
CIRCUIT COURT  
BALDWIN COUNTY COURTHOUSE  
BAY MINETTE, ALABAMA 36507

RE: Case No. 10,637 First National Bank of Mobile, a National Banking Corporation d/b/a BankAmericard vs. Guy L. Jackson

(PLEASE REFER TO ITEMS CHECKED BELOW)

Dear Sir:

1. ( ) Please issue an alias (pluries) complaint and summons at the following address:
2. ( ) Please issue a Writ of Discovery to the defendant, commanding him to file in Court a sworn list of his assets, if any.
3. ( ) Please discharge the garnishee in the above styled cause.
4. ( ) Please also send the garnishment release to the garnishee in the enclosed self-addressed, pre-metered envelope.
5. ( ) Please furnish me with a Certificate of Judgment in the above case. My check in the amount of \$.50 is enclosed.
6. ( ) Please issue a Certificate of Judgment and I would appreciate it if you would also record it in the Probate Court. My check for \$2.00 is enclosed.
7. (✓) Please issue an alias execution against the defendant. Also, please forward the enclosed letter to the Sheriff requesting a levy.
8. ( ) Please (dismiss) (non-suit) the above case on motion of plaintiff.
9. ( ) Please give the bearer of this letter a copy of the release.
10. ( ) Please find my check enclosed in the amount of \$\_\_\_\_\_ to pay the court costs.
11. ( ) Please send me your bill of costs.

REMARKS:

Sincerely yours,

  
William L. Howell

WLH:bm



FIRST NATIONAL BANK OF MOBILE, a	X	IN THE CIRCUIT COURT OF
National Banking Corporation, d/b/a	X	BALDWIN COUNTY, ALABAMA
BANKAMERICARD,	X	
Plaintiff	X	AT LAW
vs.	X	
GUY L. JACKSON,	X	
Defendant	X	NO. 10637

Comes now the defendant, Guy L. Jackson, and for answer to the Complaint and to each count thereof, separately and severally, interposes the following separate and several pleas thereto:

ONE

He is not guilty of the matters alleged therein.

TWO

The material allegations thereof are untrue.

Mary T. White Richerson  
Attorney for Defendant

I, Mary T. White Richerson, hereby certify that I have this 8<sup>th</sup> day of March, 1973, delivered a copy of the foregoing answer to the Hon. William L. Howell, Attorney for Plaintiff, 2204 First National Bank Building, Mobile, Alabama 36602.

Mary T. White Richerson

FILED

MAR 12 1973

EUNICE B. BLACKMON CIRCUIT CLERK

FIRST NATIONAL BANK OF MOBILE, a	X	IN THE CIRCUIT COURT OF
National Banking Corporation, d/b/a	X	BALDWIN COUNTY, ALABAMA
BANKAMERICARD,	X	
Plaintiff	X	AT LAW
VS.	X	
GUY L. JACKSON,	X	
Defendant	X	CASE NO. 10,637

DEMURRER

Comes now the Defendant in the above styled cause and demurs to the Complaint of the Plaintiff, and to each and every count, separately and severally:

1. For that said Complaint fails to state a cause of action.
2. Said Complaint is vague, indefinite and uncertain in its allegations.

Mary L. White Richardson  
Attorney for Defendant

The defendant requests a trial by jury of the issues in this cause.

Mary L. White Richardson  
Attorney for Defendant

I hereby certify that I have this day delivered by United States Mail, Postage Prepaid, a copy of this Demurrer to the Hon. William L. Howell, Attorney for Plaintiff, at his business address, 2204 First National Bank Bldg., Mobile, Alabama 36602 this 24<sup>th</sup> day of January, 1973.

Mary L. White Richardson  
**FILED**

JAN 26 1973

EUNICE B. BLACKMON CIRCUIT CLERK

70-644