

SUMMONS

THE STATE OF ALABAMA,

BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon JOHN W. QUATES 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, Alabama, at the place of holding same by GATLIN LUMBER COMPANY, INC., Foley, Alabama.

Witness my hand this the 26 day of October, 1972.

*Eunice B. Blackburn*  
Clerk

\* \* \* \* \*

COMPLAINT

GATLIN LUMBER COMPANY, INC.,	)	
	)	
PLAINTIFF,	)	IN THE CIRCUIT COURT OF
	)	
VS	)	BALDWIN COUNTY, ALABAMA
	)	
JOHN W. QUATES,	)	AT LAW
	)	<i>10,673</i>
DEFENDANT.	)	

COUNT I

The Plaintiff claims of the Defendant, ONE THOUSAND THREE HUNDRED SIXTY TWO & 89/100 DOLLARS (\$1,362.89), due by promissory waive note made by him on the 9th day of September, 1972, which was due and payable on or before the 10th day of October, 1972 and is now past due, with interest thereon.

Said note provides for a reasonable attorney's fee, which Plaintiff alleges to be \$250.00.

COUNT II

The plaintiff claims of the defendant TWO HUNDRED EIGHTY NINE & 9/100 DOLLARS (\$289.09), due from him by account on, to wit: the 25th day of April, 1970, which sum of money, with interest thereon, is still unpaid.

COUNT III

The plaintiff claims of the defendant TWO HUNDRED EIGHTY NINE & 9/100 DOLLARS (\$289.09), due from him on account stated between the plaintiff and the defendant on, to wit: the 25th day of April, 1970, which sum of money, with interest thereon, is still unpaid.

COUNT IV

The plaintiff claims of the defendant TWO HUNDRED EIGHTY NINE & 9/100 DOLLARS (\$289.09) due from him for merchandise, goods and chattels sold by the plaintiff to the defendant on, to wit: the 25th day of April, 1970, which sum of money, with interest thereon, is still unpaid.

There is attached to the original hereof, an itemized statement of account, verified by the affidavit of a competent witness, sworn to before a notary public, which shows the amount due on this account as of the 25th day of October, 1972.

COUNT V

The plaintiff claims of the defendant SIXTY THREE & 9/100 DOLLARS (\$63.09), due from him by account on, to wit: the 2nd day of December, 1971, which sum of money, with interest thereon, is still unpaid.


COUNT VI

The plaintiff claims of the defendant SIXTY THREE & 9/100 DOLLARS (\$63.09), due from him on account stated between the plaintiff and the defendant on, to wit: the 2nd day of December, 1971, which sum of money, with interest thereon, is still unpaid.

COUNT VII

The plaintiff claims of the defendant SIXTY THREE & 9/100 DOLLARS (\$63.09), due from him for merchandise, goods, and chattels sold by the plaintiff to the defendant on, to wit: the 2nd day of December, 1971, which sum of money, with interest thereon, is still unpaid.

There is attached to the original hereof, an itemized statement of account, verified by the affidavit of a competent witness, sworn to before a notary public, which shows the amount due on this account as of the 25th day of October, 1972.

  
Forest A. Christian, Attorney for  
Plaintiff

The Defendant's address is:

Foley, Alabama.

Sheriff's office should check  
with Gatlins or attorney.

**FILED**

OCT 26 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

NAME MR. JOHN Q. ATLAS  
ADDRESS ROUTE TWO  
FOLEY, ALABAMA

TERMS  
RATING  
CREDIT LIMIT

GILLEN STEWART

DATE	INVOICE NO.	CHARGES	CREDITS	BALANCE
				00
01-21-71	52668	1581		1711
01-21-71	52670	130		4007
01-22-71	52749	2295		
01-23-71	52845	1198		6330
01-23-71	52839	1125		
01-23-71	52839	433		8294
01-23-71	52843	2231		
01-23-71	53006	505		
01-25-71	53041	80		10068
01-25-71	52889	489		10517
01-26-71	53141	449		
01-28-71	53281	73		10614
01-29-71	53193	224		10936
01-02-71	33511	129		
01-07-71	3012		10389	00
01-07-71	3013		547	
01-04-71	6364	1633		1633
01-19-71	7669	1987		3620
01-22-71	10616	2111		5731
01-22-71	4424		1500	4231
01-02-71	11749	2078		6309

Sworn to and subscribed to before me this  
the 25th day of October, 1972.  
Notary Public, Baldwin County, Alabama

Fannie B. Gatlin

STATE OF ALABAMA, BALDWIN COUNTY I, Fannie B. Gatlin, first being duly sworn deposes and says that I am the bookkeeper for Gatlin Lumber Company, Inc. and that I have been the bookkeeper since 1968 and I do hereby certify that the ledger sheet of Gatlin Lumber Company, Inc. is true and correct.

GATLIN LUMBER COMPANY, Inc.

FOR VALUE RECEIVED, the undersigned hereby certifies to pay to the order of  
Gatlin Lumber Company, Inc., Foley, Ala.  
the sum of Thirteen Hundred Sixty-two and 89/100 Dollars  
in 24 consecutive monthly installments of \$ 561.69 each,  
(except that the first installment shall be the difference between the amount of this note and the sum of the preceding installments.)  
the first to become due October 10 19 72 balance of installments to be paid on the same day of each month thereafter until  
paid, with interest from maturity at the rate of 8 percent per annum.  
If any installment of this note is not paid at the time and place specified herein, then, at the option of the holder hereof, the entire amount shall become immediately  
due and payable.  
In the event that any payment shall become overdue for a period in excess of fifteen days, I/We promise to pay a "late charge" of five cents (5c) for each dollar so  
overdue for the purpose of defraying the expense of handling said delinquent payment, but not to exceed \$5 in respect of any such late payment.  
The parties to this instrument, whether maker, endorser, surety or guarantor each for himself, hereby severally agree to pay this debt  
all right of exemption under the Constitution and Laws of Alabama, or any other state, and they each severally agree to pay all costs of collecting, or securing, or attempting  
to collect or secure this note, including a reasonable attorney's fee, whether the same be collected or secured by suit or otherwise. And they agree that time of payment may  
be extended without notice to them of such extension. The bank at which this note is payable is hereby authorized to apply on or after maturity to the payment of this debt  
any funds in said bank belonging to the maker, surety, guarantor, or any one of them.  
Signatures  
John M. Quate

# LEDGER

NAME MR. JOHN QUATES  
 ADDRESS ROUTE TWO  
 POLEY, ALABAMA

TERMS  
 RATING  
 CREDIT LIMIT

PAGE

CARRIED FOR

Sworn to and subscribed to before me this the 25th day of October, 1972.

Notary Public, Baldwin County, Alabama.

Fannie B. Gatlin

State of Alabama, Baldwin County I, Fannie B. Gatlin, first being duly sworn deposes and says that I am the bookkeeper for Gatlin Lumber Company, Inc. and that I have been the bookkeeper since 1968 and I do hereby certify that the ledger sheet of Gatlin Lumber Company, Inc. is true and correct.

DATE	INVOICE NO.	CHARGES	CREDITS	BALANCE
				(0)
OCT 14 69	1 4 1 65	6 2 4 0		6 2 4 0
OCT 16 69	1 4 2 4 1	2 7 0		
OCT 16 69	1 4 1 7 4	3 5 1 7 3		
OCT 16 69	1 4 2 4 0	8 9 7 0		5 0 6 5 3
OCT 20 69	6 2 0 4		1 0 9 6 9	
OCT 20 69	6 2 0 5		3 0 0 0	3 6 6 5 3
OCT 21 69	1 4 6 7 4	2 8 6		
OCT 21 69	1 4 6 7 9	8 2 7		3 7 7 9 7
OCT 23 69	1 4 8 3 9	2 4 8		3 8 0 4 5
OCT 24 69	1 4 8 5 7	9 3 6		
OCT 24 69	1 4 9 3 0	4 4 7		
OCT 24 69	1 4 0 7 3	2 3 4 0		4 1 7 6 5
OCT 24 69	1 4 9 6 6		4 6 8 0	3 7 0 2 8
OCT 25 69	1 4 8 9 0	2 3 7		3 7 3 7 5
OCT 27 69	1 4 8 9 6	1 8 7 8		
OCT 27 69	1 5 5 4 2	2 3 8 3 0		6 3 0 8 3
OCT 28 69	1 5 7 6 5	9 2 4		
OCT 28 69	1 5 7 8 3	3 0 8 9		6 7 0 9 6
OCT 29 69	1 5 8 3 1	3 6 3		
OCT 29 69	1 5 8 0 2	7 4 3 1		7 4 8 9 0
OCT 30 69	1 5 5 9 4		2 8 7	7 4 6 0 3
NOV 03 69	1 6 0 0 1	2 0 7 7		
NOV 03 69	1 5 9 2 5	3 4 8		7 7 0 2 8
NOV 04 69	1 6 1 4 7	8 7 7 2		
NOV 04 69	1 5 9 6 6	3 7 4 4		
NOV 04 69	1 6 0 2 9	1 9 4 6		
NOV 04 69	1 6 0 4 0	1 4 0 3		9 2 8 9 3
NOV 04 69	6 3 0 2		6 0 0 0 0	
NOV 04 69	6 3 0 3		3 0 0 0	2 9 8 9 3
NOV 06 69	1 6 2 2 2	3 1 2		3 0 2 0 5
NOV 06 69	1 6 2 2 4		1 2 2 8	2 8 9 7 7
NOV 12 69	1 5 3 7 5	7 8 0		2 9 7 5 7
NOV 25 69	1 6 7 4 8	2 8 5		3 0 0 4 2
NOV 25 70	2 5 4 8 7		1 1 3 3	2 8 9 0 9

10,612  
OCT 27 1972

TAYLOR WILKINS  
SHERIFF

SUMMONS AND COMPLAINT

Gatlin Lumber Company, Inc.,

Plaintiff,

John W. Quates,

Defendant.

**FILED**

OCT 26 1972

EUNICE B. BLACKMON  
CLERK

LAW OFFICE OF  
FOREST A. CHRISTIAN

(205) 943-2201  
P. O. DRAWER 190  
FOLEY, ALABAMA 36535

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA 36535

Received 37 day of Oct 1972  
and on 4 day of Nov 1972  
served a copy of the within John W. Quates  
on John W. Quates

Sheriff's Office 72 miles at  
Ten Cents per mile Total \$ 7.20  
TAYLOR WILKINS, Sheriff  
Deputy Sheriff

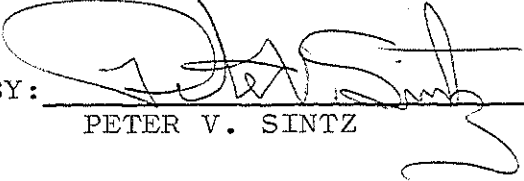
by service on \_\_\_\_\_  
TAYLOR WILKINS, Sheriff  
By Article 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

GATLIN LUMBER COMPANY, INC.,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
JOHN W.QUATES,	)	
Defendant.	)	CASE NO. 10,673
	)	

Comes now the defendant, John W. Quates, and demurs to the plaintiff's complaint heretofore filed and as grounds there-fore assigns the following, separately and severally, as follows:

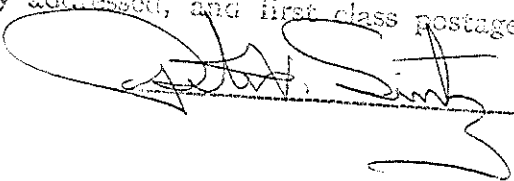
1. For that said complaint fails to show the consideration for said accounts.
2. Said complaint is vague, indefinite and uncertain.
3. Said complaint fails to sufficiently apprise this de-fendant of the matters and things he is called upon to defend against.
4. For aught appearing therein the alleged account is not in this defendant's name.
5. For that said note is not attached to the complaint.
6. For that said count fails to sufficiently identify any note allegedly signed by this defendant to the plaintiff.

BROWN, HUDGENS, FULFORD,  
SINTZ AND RICHARDSON

BY:   
PETER V. SINTZ

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17<sup>th</sup> day of Nov, 19 72, 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.



FILED

NOV 18 1972

EUNICE B. BLACKMON CIRCUIT CLERK

FOREST A. CHRISTIAN  
ATTORNEY AT LAW  
P. O. DRAWER 190  
AREA CODE 205 - PHONE 943-2201  
FOLEY, ALABAMA 36535  
November 21, 1972

Messrs, Brown, Hudgens, Fulford,  
Sintz and Richardson  
Attorneys at Law  
Suite 210 Van Antwerp Building  
Mobile, Alabama 36602

Attn: Mr. Sintz: Re: Gatlin Lumber Company, Inc., Plaintiff  
Vs: John W. Quates, Defendant  
Case No. 10,673

Dear Mr. Sintz:

Received your demurrer to this complaint which is based upon  
a promissory note, also an additional statement for \$289.09.

Although in your demurrer you state that the note is not  
attached to the complaint, my file indicates that I sent to the  
court and the defendant, 3-M copies of the note which is self-  
explanatory and two copies of ledger sheets for the account  
amounting to \$289.09.

It appears that I did not sue on another account which  
was in the sum of \$63.09 which was on the Glenn Stewart job  
so that I would think that you are properly apprised of  
these facts.

If you need more information, call me.

I am sending copies of this letter to Mrs. Blackmon, clerk  
of court, to be attached to the docket sheet for writing on  
demurrer when the docket is next called, since the file should  
be complete with necessary copies

Cordially yours,

  
FOREST A. CHRISTIAN

GATLIN LUMBER COMPANY, INC. : IN THE CIRCUIT COURT OF  
Plaintiff : BALDWIN COUNTY, ALABAMA  
VS. : AT LAW  
JOHN W. QUATES :  
Defendant : CASE NO. 10,673

MOTION TO STAY PENDING OUTCOME OF BANKRUPTCY

Comes now, John W. Quates, and says and shows unto this Honorable Court that on January 24, 1973, he filed a proceeding in the United States District Court for the Southern District of Alabama under the National Bankruptcy Act, and moves that this cause be abated and all proceedings stayed pending said cause.

BROWN, HUDGENS, FULFORD,  
SINTZ AND RICHARDSON  
Attorneys for Defendant

By:   
PETER V. SINTZ

Sworn to and subscribed  
before me this 12<sup>th</sup>  
day of March,  
1973.

  
NOTARY PUBLIC, ALABAMA STATE AT LARGE

FILED

MAR 13 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12<sup>th</sup>  
day of March, 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.



GATLIN LUMBER COMPANY, INC.,  
a corporation,

Plaintiff,

-vs-

JOHN W. QUATES,

Defendant.

\*  
\*  
\*  
\*  
\*  
\*

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA

AT LAW

CASE NO. 10673

MOTION TO DISMISS

Comes now John W. Quates and says and shows unto this Honorable Court that on January 24, 1973, he filed a proceeding in the United States District Court for the Southern District of Alabama under the National Bankruptcy Act, said petition was entertained and Discharge of Bankruptcy was so ordered August 2, 1973, a certified copy of which is herein attached. Whereas, Plaintiff's claim was part of said petition which he received notice of, the Defendant moves to dismiss Plaintiff's complaint, separately and severally on the following grounds:

1. The complaint fails to state a cause of action against the Defendant upon which relief can be granted.
2. Any judgment obtained by the Plaintiff would be null and void, lack of jurisdiction over the subject matter.
3. Lack of jurisdiction over the person.

BROWN, HUDGENS, FULFORD  
& RICHARDSON

BY:

Joseph A. Gonzales  
JOSEPH A. GONZALES  
Attorney for the Defendant  
Van Antwerp Building  
Suite 210  
Mobile, Alabama 36602

CERTIFICATE OF SERVICE

I do hereby certify that I have on this \_\_\_\_\_ day of September, 19 73, 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.

Joseph A. Gonzales

FILED

SEP 7 1973

EUNICE B. BLACKMON  
CIRCUIT CLERK

# United States District Court

for the SOUTHERN District of ALABAMA

IN THE MATTER OF

JOHN WESLEY QUATES

IN BANKRUPTCY

NO. 33,724

Bankrupt.

## ORDER OF DISCHARGE OF BANKRUPT

It appearing that the person named above was duly adjudged a bankrupt on a petition filed on January 24, 1973, and that no objection to the discharge of the bankrupt was filed within the time fixed by the court [~~or that objections to the discharge of the bankrupt were filed and after due notice and hearing, were not sustained~~]; it is ordered that

1. the above-named bankrupt is released from all dischargeable debts;
2. any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the bankrupt with respect to any of the following:
  - (a) debts not excepted from the discharge under § 17a or § 17b of the Bankruptcy Act;
  - (b) debts discharged under § 17c(2) of the Bankruptcy Act; and
  - (c) debts determined to be discharged under § 17c(3) of the Bankruptcy Act; and
3. all creditors whose debts are discharged by this order are enjoined from instituting or continuing any action or employing any process to collect such debts as personal liabilities of the bankrupt above named.

Dated: August 2, 1973

*Will G. Caffey, Jr.*  
Referee in Bankruptcy

Copy to: Bankrupt  
Bankrupt's attorney

I, Will G. Caffey, Jr., Referee in Bankruptcy of said court to whom the above entitled cause was duly referred, hereby certify that the above and foregoing is a true and correct copy of the Order of Discharge entered by me in said cause on August 2, 1973.

IN WITNESS WHEREOF, I have hereunto set my official signature as such Referee in Bankruptcy, this 6th day of September 19 73

*Will G. Caffey, Jr.*  
Referee in Bankruptcy

FILED

SEP 7 1973

EXOL

70 PAGE 789

EUNICE B. BLACKMON  
CIRCUIT CLERK

GATLIN LUMBER COMPANY, INC.,  
a corporation,

Plaintiff,

-vs-

JOHN W. QUATES,

Defendant.

\* IN THE CIRCUIT COURT  
\* OF BALDWIN COUNTY,  
\* ALABAMA  
\* AT LAW  
\*  
\* CASE NO. 10673  
\*

MOTION TO DISMISS

Comes now John W. Quates and says and shows unto this Honorable Court that on January 24, 1973, he filed a proceeding in the United States District Court for the Southern District of Alabama under the National Bankruptcy Act, said petition was entertained and Discharge of Bankruptcy was so ordered August 2, 1973, a certified copy of which is herein attached. Whereas, Plaintiff's claim was part of said petition which he received notice of, the Defendant moves to dismiss Plaintiff's complaint, separately and severally on the following grounds:

1. The complaint fails to state a cause of action against the Defendant upon which relief can be granted.
2. Any judgment obtained by the Plaintiff would be null and void, lack of jurisdiction over the subject matter.
3. Lack of jurisdiction over the person.

BROWN, HUDGENS, FULFORD  
& RICHARDSON

BY: Joseph A. Gonzales  
JOSEPH A. GONZALES  
Attorney for the Defendant  
Van Antwerp Building  
Suite 210  
Mobile, Alabama 36602

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 6<sup>th</sup>  
day of September, 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.

Joseph A. Gonzales

# United States District Court

for the SOUTHERN District of ALABAMA

IN THE MATTER OF

JOHN WESLEY QUATES

IN BANKRUPTCY

NO. 33,724

Bankrupt.

## ORDER OF DISCHARGE OF BANKRUPT

It appearing that the person named above was duly adjudged a bankrupt on a petition filed on January 24, 1973, and that no objection to the discharge of the bankrupt was filed within the time fixed by the court [~~or that objections to the discharge of the bankrupt were filed and, after due notice and hearing, were not sustained~~]; it is ordered that

1. the above-named bankrupt is released from all dischargeable debts;
2. any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the bankrupt with respect to any of the following:
  - (a) debts not excepted from the discharge under § 17a or § 17b of the Bankruptcy Act;
  - (b) debts discharged under § 17c(2) of the Bankruptcy Act; and
  - (c) debts determined to be discharged under § 17c(3) of the Bankruptcy Act; and
3. all creditors whose debts are discharged by this order are enjoined from instituting or continuing any action or employing any process to collect such debts as personal liabilities of the bankrupt above named.

Dated: August 2, 1973

*Will G. Caffey, Jr.*  
Referee in Bankruptcy

Copy to: Bankrupt

Bankrupt's attorney

I, Will G. Caffey, Jr.

, Referee in Bankruptcy of

said court to whom the above entitled cause was duly referred, hereby certify that the above and foregoing is a true and correct copy of the Order of Discharge entered by me in said cause on August 2, 1973.

IN WITNESS WHEREOF, I have hereunto set my official signature as such Referee in Bankruptcy, this 6th day of September 19 73

*Will G. Caffey, Jr.*  
Referee in Bankruptcy