

JAMES J. ANDING

Plaintiff

vs

R. D. FRIESE, et al

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3641

Comes the defendant, R. D. Frieese, in the above styled cause and amends his answer heretofore filed to said complaint and to each and every phase thereof separately and severally, says:

-1-

He denies the allegations of said complaint as untrue.

-2-

Nul tiel record.

-3-

Nul tiel judgment.

-4-

That the court as noted in the said Bill of Complaint did not have jurisdiction of the parties against whom judgment was rendered and therefore this Honorable Court is without jurisdiction to try this cause.

-5-

The defendant for answer to the said complaint, saith that he has paid the debt, for the recovery of which this suit was brought before the action was commenced.

-6-

That the alleged judgment shown for this suit is void and as grounds for said plea assigns as follows:

a. The said court allegedly rendering said decree did not have jurisdiction of the parties against whom said judgment was rendered and therefore this Honorable Court is without jurisdiction to try said cause.

b. That the alleged judgment on which this action is based was rendered in violation of the "Due Process" clause of the Constitution of the United States and of the Constitution of the State of Alabama in that neither the person of the defendant nor his property was within the jurisdiction of the court allegedly rendering the judgment on which this action is founded.

c. That the said R. D. Frieese is not now and has never been a member of Frieese Brothers, an alleged partnership.

d. That the said R. D. Frieese does not know and has not known for about 40 years an individual named Jake Frieese, allegedly a partner of your defendant.

BK \_ P. 133A

e. Said complainant in this cause fails to allege that the court rendering the alleged decree against your defendant, R. D. Friese, affirmatively showed said defendant a known resident of said state was within the jurisdiction of said court.

R.D. Friese

THOMPSON & WHITE

BY:

C. L. Thompson  
Attorneys for defendant.

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared R. D. Friese, Defendant, who being informed of the contents of the foregoing answer, says under oath, that same is true and correct to the best of his knowledge, information and belief.

R.D. Friese

February Sworn to and subscribed before me this the 20 day of February, 1961.

C. L. Thompson  
Notary Public, Baldwin County, Alabama

**FILED**

FEB 23 1961

ALICE J. DUCK, CLERK  
REGISTER

BK -

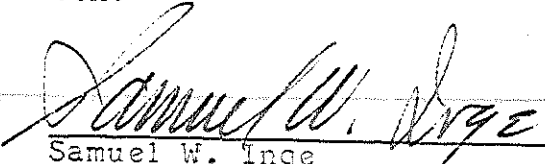
P. 133-B

JAMES J. ANDING, ) IN THE CIRCUIT COURT  
Plaintiff, ) OF BALDWIN COUNTY  
vs. ) ALABAMA  
R.D. FRIESE AND JAKE FRIESE, ) AT LAW  
Defendants. ) NO. 3641

COUNT ONE

Plaintiff claims of the defendants the sum of Seven Hundred Fifty (\$750.00) Dollars, due from them on a certain judgement which was recovered by the plaintiff against the defendants in the Circuit Court of Pike County, Mississippi, on February 1, 1958, for the sum of \$750.00 together with the costs of court.

Plaintiff avers that the amount of the said judgement has not been paid, and that the defendants are indebted to the plaintiff in the full amount of said judgement, together with the costs, and together with the interest thereon.

  
Samuel W. Inge  
Attorney for Plaintiff

Defendants may be served:

Loxley  
Alabama

B-25-133 P

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 3641

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon R.D. FRIESE and JAKE FRIESE

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-----

R.D. FRIESE AND JAKE FRIESE

-----, Defendant-----

by JAMES J. ANDING

-----, Plaintiff-----

Witness my hand this 13-----day of August-----19 58

Alice J. Luck

-----, Clerk

1336

JAMES J. ANDING,	)	IN THE CIRCUIT COURT
PLAINTIFF	)	OF BALDWIN COUNTY
VS	)	ALABAMA.
R.D. FRIESE AND JAKE	)	AT LAW.
FRIESE	)	CASE NO. _____
DEFENDANTS	)	

Come the defendants and demur to the complaint filed in said cause and to each phase thereof separately and severally as follows:

1.

That for aught alleged the said court is not a court of record.

2.

That for aught alleged the court was not in session at the time the said judgment was rendered.

3.

That for aught alleged the said court did not have jurisdiction of the parties.

4.

That the said complaint does not state a cause of action.

5.

That for aught alleged the allegations are conclusions of the pleader.

6.

That for aught alleged the said judgment is a judgment by default.

7.

That for aught alleged the defendant was not properly before the court.

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Attorney for Defendant, R. D. Friese.

Defendant demands trial by jury.

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Attorney for Defendant, R. D. Friese.

JAMES J. ANDING

DEAINTIFF

VS.

R. D. FRIESE et al

DEFENDANT

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IN THE CIRCUIT COURT  
OF BALDWIN COUNTY  
ALABAMA  
AT LAW  
CASE NO. \_\_\_\_\_

Comes the Defendant R. D. Friese, in the above styled cause and for answer to the complaint, and to each and every phase thereof separately, and severally, says:

1 1.

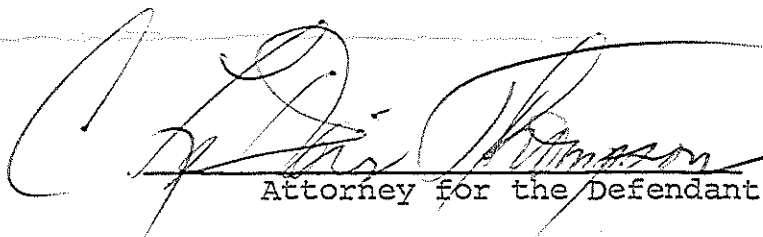
Nul tiel record.

2.

Nul tiel judgement

3.

The defendant for answer to the said complaint, saith that he has paid the debt, for the recovery of which this suit was brought before the action was commenced.

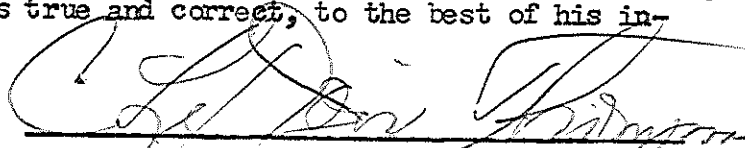
  
Attorney for the Defendant

I hereby certify that I have this day mailed to Honorable Samuel Van Antwerp Building W. Inge, attorney for Plaintiff, postage prepaid, a copy of the foregoing.



STATE OF ALABAMA  
BALDWIN COUNTY

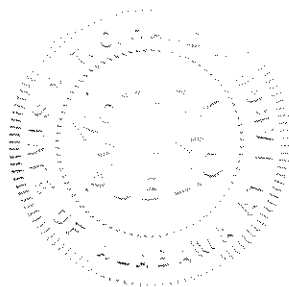
Before me the undersigned authority, personally appeared C. LeNoir Thompson, Attorney for the Defendant, who being informed of the contents of the foregoing plea, says under oath, that same is true and correct, to the best of his information, knowledge and belief.



Sworn to and subscribed to before me, this the 10 day of September, 1959.

  
Notary Public, Baldwin County, Alabama

MY COMMISSION AS A NOTARY PUBLIC  
EXPIRES 3-4-60



P. 133-C.

JAMES J. ANDING

PLAINTIFF

VS.

R. D. FRIESE AND JAKE

FRIESE

DEFENDANTS

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. \_\_\_\_\_

Comes defendant, R. D. Friese and as a special plea in said cause shows unto this honorable court as follows:

1.

That the court as noted in the said Bill of Complaint did not have jurisdiction of the parties against whom judgement was rendered and therefore this honorable court is without jurisdiction to try this cause.

2.

That the alleged judgement shown for this suit is void and as grounds for said plea assigns as follows:

A. The said court allegedly rendering said decree did not have jurisdiction of the parties against whom said judgement was rendered and therefore this honorable court is without jurisdiction to try said cause.

B. That the alleged judgement on which this action is based was rendered in violation of the "Due Process" clause of the Constitution of the United States, and the Constitution of the State of Alabama, in that neither the person of the defendant nor his property was within the jurisdiction of the court allegedly rendering the judgement on which this action is founded.

C. That the said R. D. Friese is not now and has never been a member of Friese Brothers, and alleged partnership.

D. That the said R. D. Friese does not know and has not known for about 40 years an individual named Jake Friese, allegedly a partner of your defendant.

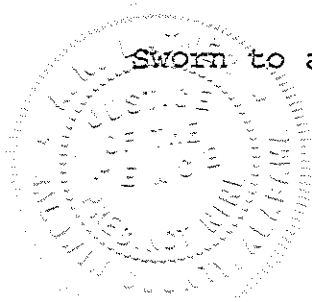
E. Said complainant in this cause fails to allege that the court rendering the alleged decree against your defendant, R. D. Friese, affirmatively showed said defendant a known resident of said state was within the jurisdiction of said court.

Wherefore, said action being founded on a void judgement, defendant R. D. Friese prays the judgement of this honorable court that judgement be entered for Defendant R. D. Friese.

R. D. Friese

Sworn to and subscribed before me on this the 8 day of Sept. 1959

A. H. Latimer J.P.  
Notary Public.



*Filed 9-12-60*  
*Reese J. Smith*  
*clerk*

JAMES J. ANDING, ) IN THE CIRCUIT COURT OF  
Plaintiff, ) BALDWIN COUNTY, ALABAMA  
vs. ) AT LAW  
R.D. FRIESE AND JAKE FRIESE, )  
Defendants. ) NO. 3641

APPEAL BOND

We, the undersigned, hereby acknowledge ourselves security for all costs of appeal to the Supreme Court of Alabama from the decree rendered in the above entitled cause on the 11th day of September, 1961, and hereby agree to pay all such costs and for payment of this bond we hereby waive our right of exemption of personal property under the Constitution and laws of the State of Alabama.

WITNESS, our hands and seals this 12th day of March, 1962.

WITNESS MY HAND AND SEAL OF OFFICE

*William J. Fries*

Taken and approved this 12th day of March, 1962.

*James J. Anding*

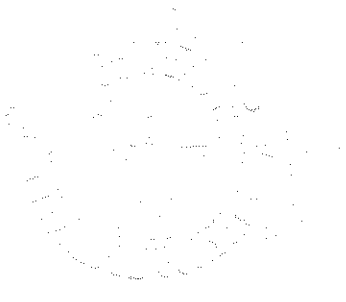


JAMES J. ANDING, ) IN THE CIRCUIT COURT OF  
Plaintiff, ) BALDWIN COUNTY, ALABAMA  
vs. ) AT LAW  
R.D. FRIESE AND JAKE FRIESE, )  
Defendants. ) NO. 3641

APPEAL BOND

We, the undersigned, hereby acknowledge ourselves security for all costs of appeal to the Supreme Court of Alabama from the decree rendered in the above entitled cause on the 11th day of September, 1961, and hereby agree to pay all such costs and for payment of this bond we hereby waive our right of exemption of personal property under the Constitution and laws of the State of Alabama.

WITNESS, our hands and seals this 12th day of March, 1962.

  
\_\_\_\_\_  
*William F. [Signature]*  
Clerk of the Circuit Court


Taken and approved this 12th day of March, 1962.

\_\_\_\_\_

JAMES J. ANDING, ) IN THE CIRCUIT COURT OF  
Plaintiff, ) BALDWIN COUNTY, ALABAMA  
vs. ) AT LAW  
R.D. FRIESE AND JAKE FRIESE, )  
Defendants. ) NO. 3641

NOTICE OF APPEAL

Comes now the Plaintiff in the above styled cause and hereby files and enters this his appeal from the decree rendered in the above styled cause on the 11th day of September, 1961, to the Supreme Court of Alabama.

  
\_\_\_\_\_  
SAMUEL W. INGE  
Attorney for Plaintiff

FILED

MAR 12 1962

ALICE J. DUCK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 361

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon R.D. FRIESE and JAKE FRIESE

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-----

R.D. FRIESE AND JAKE FRIESE

-----, Defendant-----

by JAMES J. ANDING

-----, Plaintiff-----

Witness my hand this 13 day of August 19 58

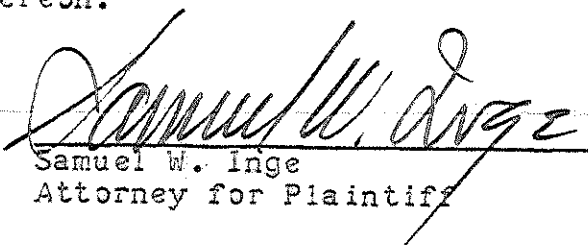
Alice J. Duck, Clerk

JAMES J. ANDING, ) IN THE CIRCUIT COURT  
Plaintiff, ) OF BALDWIN COUNTY  
vs. ) ALABAMA  
R.D. FRIESE AND JAKE FRIESE, ) AT LAW  
Defendants. ) NO. \_\_\_\_\_

COUNT ONE

Plaintiff claims of the defendants the sum of Seven Hundred Fifty (\$750.00) Dollars, due from them on a certain judgement which was recovered by the plaintiff against the defendants in the Circuit Court of Pike County, Mississippi, on February 1, 1958, for the sum of \$750.00 together with the costs of court.

Plaintiff avers that the amount of the said judgement has not been paid, and that the defendants are indebted to the plaintiff in the full amount of said judgement, together with the costs, and together with the interest thereon.

  
Samuel W. Inge  
Attorney for Plaintiff

Defendants may be served:

Loxley  
Alabama

SAMUEL W. INGE  
ATTORNEY AT LAW  
VAN ANTWERP BUILDING  
MOBILE, ALABAMA  
TELEPHONE HEMLOCK 8-9013

August 13, 1958

Clerk  
Circuit Court  
Baldwin County  
County Courthouse  
Bay Minette, Alabama

Dear Sir:

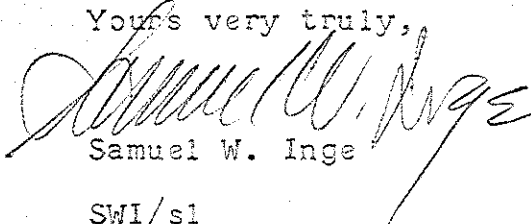
I am herewith enclosing two suits which I would very much appreciate your filing in the Circuit Court of Baldwin County, at Law. The suits enclosed are entitled:

James J. Anding  
vs.  
R.D. Friese and  
Jake Friese;

Georgia Mae Anding  
vs.  
R.D. Friese, Jake  
Friese and Elihu  
Pullen.

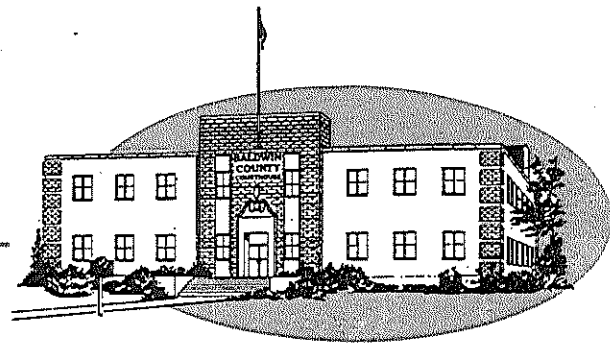
Thank you very much for your kind attention to this matter.

Yours very truly,

  
Samuel W. Inge

SWI/sl

CIRCUIT CLERK  
**BALDWIN COUNTY**  
BAY MINETTE, ALABAMA



ALICE J. DUCK,  
Register—Circuit Court

June 29, 1962

FILED

JUL 2 1962

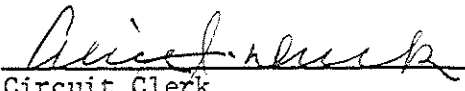
SUPREME COURT OF ALABAMA  
J. RENDER THOMAS  
Clerk

Hon. J. Render Thomas  
Clerk of the Supreme Court  
Montgomery, Alabama

Dear Sir:

I am this day mailing to you the transcript in the cases of  
James J. Anding vs: R.D. Friese and Jack Friese and Georgia Mae  
Anding vs: R.D. Friese, Jack Friese & Elihu Pullen.

Yours very truly,

  
Circuit Clerk

cc: Hon. Samuel W. Inge  
805 Van Antwerp Bldg.  
Mobile, Alabama

Thompson & White  
Attorneys at Law  
Bay Minette, Alabama

AJD/eb

FILED

JUL 2 1962

SUPREME COURT OF ALABAMA  
J. RENDER THOMAS  
Clerk

Div. No. \_\_\_\_\_

CERTIFICATE OF APPEAL. (Civil Cases,)

No. 3641

Baldwin County, Circuit Court.

JAMES J. ANDING,  
Plaintiff.  
vs.

R.D. FRIESE & JAKE FRIESE,  
Defendant.

I, Alice J. Duck Clerk of Circuit Court,  
of Baldwin County, Alabama, hereby certify that in the  
cause of James J. Anding plaintiff  
vs.

R.D. Friese and Jake Friese, defendant\_s,  
which was tried and determined in this Court on the 11th day of  
September 1961, in which there was a judgment for Defendant R.D. Friese  
~~Dollars, in favor of the plaintiff, for the judgment~~  
~~of the Court,~~) the Plaintiff on the 12th day of  
March 1962, took an appeal to the Supreme Court  
of Alabama to be holden of and for said State.

I further certify that Plaintiff  
filed security for cost of appeal, to the Supreme Court, on  
the 12th day of March 1962, and that Fireman's Fund Insurance Co.  
by: William W. Boyles,  
are sureties on the appeal bond.

I further certify that notice of the said appeal was on the 16  
day of Mar 1962, served on Thompson & White  
as attorney of record for said appellee, and that the amount sued for  
was Seven Hundred Fifty Dollars. (~~Of certain lands~~)  
(~~Of personal property~~)

Witness my hand and the seal of this Court, this the 12th  
day of March 1962.

Alice J. Duck  
Clerk of the Circuit Court of  
Baldwin County, Alabama.

THE STATE OF ALABAMA }  
 Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the

11th day of September, 1961 ~~Monday~~, ~~1961~~, in a cer-

tain cause in said Court wherein James J. Anding

Plaintiff, and R.D. Frieese and Jake Frieese

Defendant, a judgement was rendered against said

Plaintiff

to reverse which Judgment, the said Plaintiff

applied for and obtained from this office an APPEAL, returnable to the next

Term of our Supreme Court of the State of Alabama, to be held at Montgomery,

on the day of , 195 next, and the necessary bond

having been given by the said Plaintiff

with Fireman's Fund Insurance Co., by William W. Boyles, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said R.D. Frieese and Jake

Frieese or Thompson & White

, attorney, to appear at the next Term of our

said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 12th

day of March, A. D., 1962.

Attest:

*Alice J. Duck*, Clerk.



no. 3641

3642

JURY LIST \* FALL SESSION  
SEPTEMBER 12, 1960

Underg vs.

Thrice

1. Boykie, William E.- Laborer, Robertsdale
2. Bryant, Woodrow, Farmer, Stockton
3. Emmons, Isaac, Farmer, Silverhill
4. Bauer, John, Farmer, Summerdale
5. Clark, H.L., Brookley Field, Bay Minette
6. Allegri, V.J., Jr., Farmer, Belforest
7. Lovell, M.A., Jr., Farmer, Loxley
8. Biland, Clarence S., Millman, Bay Minette
9. Cooper, Quitman, Bldg. Supply Dealer, Gulf Shores
10. Daring, Rudolph A., Merchant, Foley
11. Davidson, Jerry, Ala. Power Co., Bay Minette
12. Durant, Joe C., Farmer, Bay Minette
13. Durant, Percy N., Merchant, Bay Minette
14. Dutcher, Wilson, Jeweler, Fairhope
15. Dvorak, Joseph, Merchant, Silverhill
16. Dyass, Albert, Merchant, Stapleton
17. Laurendine, Leonard, Farmer, Mag. Spgs.
18. Lyrene, George A., Farmer, Silverhill
19. Malone, T.E., Merchant, Fairhope
20. Mason, Jimmy, Salesman, Fairhope
21. Matthews, Charles H., Furniture, Bay Minette
22. McKenzie, Eroy, Jr., Farmer, Fairhope
23. Mitchell, Fred, Jr., Service Station, Stapleton
24. Mosley, A.A., Builder, Stapleton
25. Murphy, William R., Plant Manager, Robertsdale
26. Owen, L.D., Jr., Merchant, Bay Minette
27. Pearson, Donald, Farmer, Robertsdale
28. Roberts, Howard, Civil Service, Stapleton
29. Sirmon, Arthur, Farmer, Belforest
30. Sirmon, A.D., Farmer, Daphne
31. Schroeder, Walter, Painter, Elberta
32. Sheldon, Edward, Brick Layer, Fairhope
33. Stripling, Fred, Television Repair, Robertsdale
34. Straka, Fred, Trucker, Robertsdale
35. Suddith, Jack, Office Manager, Bay Minette
36. Trawick, Walter, Laborer, Bay Minette
37. Vasut, Charles F., Television Repair, Robertsdale
38. Waters, Orville, Clyde, Merchant, Bay Minette
39. Sewell, David, Businessman, Loxley
40. Lund, Geoffrey, Chemist, Spanish Port, Daphne
41. Cooper, Nolan, Jr., Farmer, Robertsdale
42. Alexander, W. Silsby, Jr., Plumber, Bay Minette

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P. XXXXX XXX

D. XXXXX XXXX

Ending 15. Free

JURY LIST - FALL TERM - SEPTEMBER 11, 1961

- ~~1. Cooper, Grady, Farmer, Eliseanor~~
- ~~2. Conway, Roscoe, Brookley Field, Bay Minette~~
- ~~3. Crotwell, Alfred, Carpenter, Gulf Shores~~
- ~~4. Kennedy, J.C., Ins. Agent, Bay Minette~~
- ~~5. Kinnard, B.B., Clerk, Bay Minette~~
- ~~6. Lazzari, A.V., Jr., Farmer, Belforest~~
- ~~7. Lee, Herbert, Florist, Robertsdale~~
- ~~8. Leitterman, Atton, Farmer, Eiberta~~
- ~~9. Lenz, William, Civil Service, Eiberta~~
- ~~10. McMillan, Raymond N., Farmer, Stockton~~
- ~~11. Mothershed, George J., Farmer, Bay Minette~~
- ~~12. Nall, Wilber C., Farmer, Gulf Shores~~
- ~~13. Nelson, Clarence A., Merchant, Fairhope~~
- ~~14. Nelson, James H., Ship Carpenter, Gulf Shores~~
- ~~15. Nix, Herbert, Brookley Field, Bay Minette~~
- ~~16. Norworthy, John C., Clerk, Bay Minette~~
- ~~17. Osborne, W.A., Civil Service, Foley~~
- ~~18. Page, Glenn A., Insurance, Bay Minette~~
- ~~19. Mitchell, White, Clerk, Bay Minette~~
- ~~20. Yarbrough, Leon, Forester, Bay Minette~~
- ~~21. Bryars, Charles Henry, Jr., Farmer, Stockton~~
- ~~22. Casteel, Jim, Laborer, Eliseanor~~
- ~~23. Harrison, Bibb, Farmer, Fairhope~~
- ~~24. Hedge, Langston, Chemist, Bay Minette~~
- ~~25. James, Lonnie, Salesman, Bay Minette~~
- ~~26. Golden, David, Jr., Merchant, Foley~~
- ~~27. Grantham, Donald R., Farmer, Mag. Spgs.~~
- ~~28. Griffith, Jack, Shipyard, Fairhope~~
- ~~29. Hammond, Cecil C., Trk. Oper., Bay Minette~~
- ~~30. Harris, Guy H., Merchant, Foley~~
- ~~31. Ellison, W.V., Farmer, Robertsdale~~
- ~~32. Eslava, Paul, Farmer, Mag. Spgs.~~
- ~~33. Godwin, Dewey G., Mechanic, Bay Minette~~
- ~~34. Day, Gladden, Salesman, Bay Minette~~
- ~~35. Culver, W. Batson, Nurseryman, Bay Minette~~
- ~~36. Duffee, Kenneth, Brookley Field, Stockton~~
- ~~37. Duck, Davis, Farmer, Bay Minette~~
- ~~38. Patterson, Earnest, Farmer, Rosinton~~
- ~~39. Prime, Julian C., Ins., Bay Minette~~
- ~~40. Rieben, Albert, School Bus Mechanic, Bay Minette~~
- ~~41. Rieben, Ray, Paper Mill, Bay Minette~~
- ~~42. Simms, R.J., Hardware, Belforest~~
- ~~43. Thieme, W.H., Foreman, Foley~~
- ~~44. Topp, Henry, Clerk, Foley~~
- ~~45. Vines, Mack, Clerk, Bay Minette~~
- ~~46. Weeks, Elliot, Mechanic, Mag. Spgs.~~
- ~~47. Weeks, Sydney, Farmer, Mag. Spgs.~~
- ~~48. Goleman, James A., Restuarant Oper., Gulf Shores~~
- ~~49. Boan, Jessie Forest, Farmer, Stapleton~~
- ~~50. Bodden, C.A., Ala. Power Co., Bay Minette~~
- ~~51. Brantley, E.R., Contractor, Bay Minette~~

R XXXXX XXXXX XXY

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