

GEORGE J. DOODY,

Plaintiff,

-VS-

SAM SANDERS,

Defendant

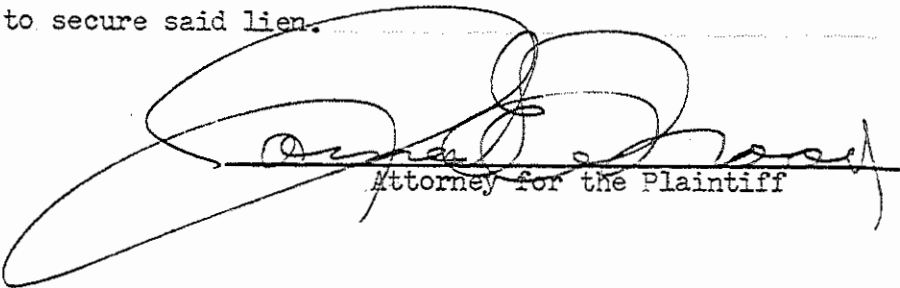
) IN THE CIRCUIT COURT
) OF BALDWIN COUNTY, ALABAMA
) AT LAW NO. 3670
)
)

COUNT ONE

The Plaintiff claims of the Defendant the sum of Sixty Dollars (\$60.00) due from him on account for rent, from October 15, 1957, which sum of money with the interest thereon is still due and unpaid.

A verified itemized statement of said account is attached hereto and made a part hereof.

Plaintiff claims a lien on the farm machinery and equipment to secure the payment of said rent, and has filed herewith affidavit and bond praying attachment to secure said lien.


Attorney for the Plaintiff

Defendant's Address:

The Old Wilson Place on River Road,
at Tensaw

STATEMENT OF ACCOUNT

October 1, 1958

Statement of Account for Rent due from Sam Sanders,
as Tenant on the Property of George J. Doody known
as the Old Wilson Place, on River Road at Tensaw,
Alabama, for the year ending October 15, 1957 Balance \$60.00

A F F I D A V I T

STATE OF ALABAMA §

COUNTY OF MOBILE §

Before me, the undersigned authority, this day personally ap-
peared George J. Doody, who, being by me first duly sworn, upon oath
deposes and says that he has knowledge of the above itemized statement
of account and that the same is true and correct and that no part of the
same has been paid.

George J. Doody

SWORN TO AND SUBSCRIBED BEFORE ME THIS, the 2nd day of OCTOBER, 1958.

Samuel J. Doody
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

ATTACHMENT

The State of Alabama, {
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, George J. Doody

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that
Sam Sanders

is justly indebted to the Plaintiff George J Doody

in the sum of Sixty and no/100 Dollars, and

George J. Doody having made affidavit and given bond
as required by law, in such cases, you are hereby commanded to attach so much of the estate of
Sam Sanders

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala.. at a term thereof, to be held at the Court House of said
County, on _____ Monday of _____ 19____
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 3rd day of October A. D., 1958....

Executed Oct 8, 1958

Alice J. Duck Clerk.

*attached one Ford tractor
property of the Defendant
and stored at Mrs.
Charles Earle*

Taylor Wilkins Sheriff

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. _____

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Sam Sanders

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 _____

Sam Sanders

_____, Defendant.

by George J. Doody

_____, Plaintiff.

Witness my hand this 3rd day of October 1958

Executed
Oct. 2, 1958

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W. J. Doody, Clerk

MOORE & SIMON
ATTORNEYS AT LAW
1011-13 VAN ANTWERP BUILDING
MOBILE 12, ALABAMA
HEMLOCK 3-9526

JAMES E. MOORE
OTTO E. SIMON
—
LIONEL L. LAYDEN

October 17, 1958

Mrs. Alice Duck
Clerk, Circuit Court
County Court House
Bay Minette, Alabama

Re: George C. Doody
vs
Sam Sanders

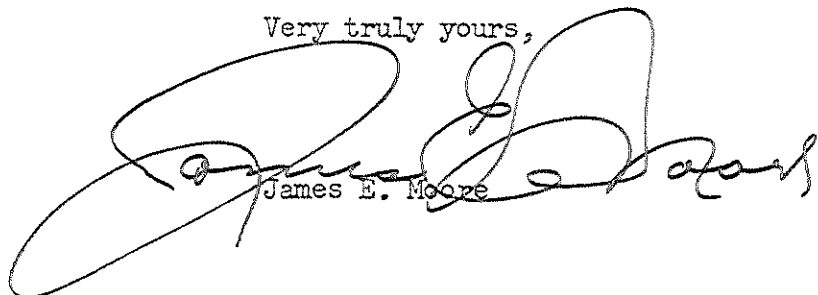
Dear Mrs. Duck:

I am filing herewith suit on behalf of Dr. George C. Doody against Sam Sanders, which I will appreciate your filing for us in the usual manner. This suit follows a previous suit which was filed about two weeks ago, and in which an attachment was made against property of the defendant pending the suit.

In view of the continued pending of the other suit and the attachment still being in effect in that matter, I am deferring an attachment in this instant suit in the hope that it may not become necessary, and in order to save the additional cost of bond, etc. It is my hope that both matters may be satisfactorily concluded without the necessity for filing a further attachment in this present suit. However, if the attachment becomes necessary, I will forward the approximate bond and will then appreciate your issuing the attachment written for us.

Thanking you for your cooperation and assistance, I am

Very truly yours,



James E. Moore

JEM/mh
Enc.

MOORE & SIMON
ATTORNEYS AT LAW
1011-13 VAN ANTWERP BUILDING
MOBILE 12, ALABAMA
HEMLOCK 3-9526

JAMES E. MOORE
OTTO E. SIMON
LIONEL L. LAYDEN

May 6, 1959

Mrs. Alice Duck, Clerk
Circuit Court
County Courthouse
Bay Minette, Alabama

Re: George J. Doody
vs
Sam Sanders
Case No. 3670

Dear Mrs. Duck:

I have just received your card informing me that the above case was dismissed on April 21, last, and court costs of \$27.90 taxed against the Plaintiff.

May I refer you to my letter of November 26th, last, about this case, in which I explained the situation and requested that no order of dismissal be made in this case until the Defendant had paid the cost of court. As stated in that letter, we have filed two cases against this Defendant, and he has paid the entire amount owed in the first case along with the court costs, upon which we asked that you dismiss the costs. However, on the second case, we explained that Sanders had paid the money owed to the Plaintiff, but had not paid the court costs. For this reason I requested that no order be entered dismissing this case until the court costs had been paid by the Defendant, and I believe you instructed the Defendant orally in this respect.

Of course, if I had had notice of this case coming on for hearing I would have taken steps to have a judgment entered for the court costs, and therefore I am, with this letter, filing a motion asking the court to set aside the judgment of dismissal and enter a judgment against the Defendant for the costs. We know where the Defendant is working, and where he can be served with execution to pay these costs. He works either at the Mills or Miller Lumber Company in Bay Minette.

Will you please be so kind as to file my notice and show this letter to the Judge explaining the situation, and ask if

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May 6, 1959

he will enter a judgment for the costs of court in view of the fact that the claim has been paid in full.

Thanking you for your assistance, I am,

Very truly yours,

MOORE, SIMON & LAYDEN

By

James E. Moore

JEM:hkk

Enc. (1)

| | | |
|------------------|---|-------------------------|
| GEORGE J. DOODY, | Ø | IN THE CIRCUIT COURT OF |
| Plaintiff, | Ø | BALDWIN COUNTY, ALABAMA |
| -VS- | Ø | AT LAW NO. 3670 |
| SAM SANDERS, | Ø | |
| Defendant. | Ø | |

Comes the Plaintiff in the above styled cause and respectfully shows unto the Court as follows:

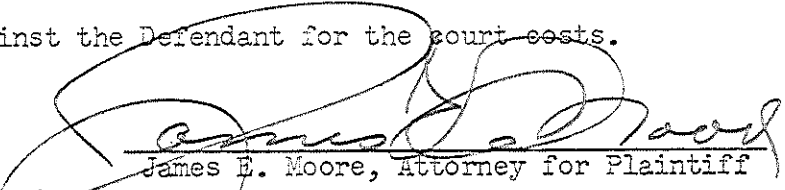
1. That heretofore on April 21, 1959, the said cause coming on to be heard, the Court dismissed the cause against the Defendant and taxed the costs to the Plaintiff in the amount of \$27.90.

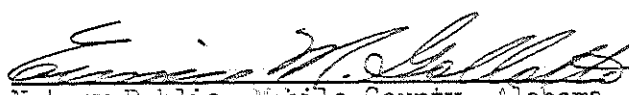
2. That neither Plaintiff nor his attorney had any notice that said cause was set for hearing on the above date and therefore not present in court on the occasion of said order of dismissal.

3. That the Defendant in this cause, the said Sam Sanders, has, since the commencement of this action, paid to the Plaintiff the full amount claimed by the Plaintiff in the cause, and Plaintiff therefore desires to admit said payment and request judgment be entered against the Defendant for the court costs only.

WHEREFORE THE PREMISES CONSIDERED the Plaintiff respectfully requests that the Court set aside order of dismissal, and in its stead enter a decree against the Defendant for the court costs.

Sworn to and subscribed before
me this 6th day of May, 1959.


James E. Moore, Attorney for Plaintiff


Notary Public, Mobile County, Alabama

Defendant's Address:

Works for Mills Lumber Company or
Miller Lumber Company
Bay Minette, Alabama

GEORGE J. DOODY,

Plaintiff,

-VS-

SAM SANDERS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 3670


Comes the Plaintiff in the above styled cause and respectfully shows unto the Court as follows:

1. That heretofore on April 21, 1959, the said cause coming on to be heard, the Court dismissed the cause against the Defendant and taxed the costs to the Plaintiff in the amount of \$27.90.

2. That neither Plaintiff nor his attorney had any notice that said cause was set for hearing on the above date and therefore not present in court on the occasion of said order of dismissal.

3. That the Defendant in this cause, the said Sam Sanders, has, since the commencement of this action, paid to the Plaintiff the full amount claimed by the Plaintiff in the cause, and Plaintiff therefore desires to admit said payment and request judgment be entered against the Defendant for the court costs only.

WHEREFORE THE PREMISES CONSIDERED the Plaintiff respectfully requests that the Court set aside order of dismissal, and in its stead enter a decree against the Defendant for the Court costs.


James E. Moore, Attorney for Plaintiff

Sworn to and subscribed before
me this 6th day of May, 1959.


Notary Public, Mobile County, Alabama

Defendant's Address:

Works for Mills Lumber Company or
Miller Lumber Company
Bay Minette, Alabama

Baldwin
The State of Alabama, Mobile County:

Personally appeared before Otto E. Simon, Notary Public
~~John F. Mantel, Clerk of the Circuit Court~~ of said County
~~James H. Doody, Attorney for~~ George J. Doody, Plaintiff

who maketh oath and sayeth that Sam Sanders is
justly indebted to the said George J. Doody, for unpaid
rent on the farm premises of the Plaintiff known as "The Old Wilson Place" at
Tensaw, Ala., in Baldwin County,
in the sum of Sixty (\$60.00)

Dollars, and that said Plaintiff has good cause to believe that the said Sam Sanders is about to remove from said premises, and to remove therefrom or otherwise dispose of all crops grown or growing thereon, and all machinery and equipment used in the cultivation and harvesting thereof, in particular one Ford Tractor, without paying the aforesaid rent,

so that the ordinary process of law cannot be served upon him, and that an attachment is not sued out for the purpose of vexing or harassing him, the said Sam Sanders.

Sworn to and subscribed the 2nd
day of October, 1938, before me } Geo. J. Doody
Otto E. Simon }
Clerk

(ATTACHMENT BOND)

KNOW ALL MEN BY THESE PRESENTS, That we George J. Doody and
of the County of Mobile are held and firmly bound unto Sam Sanders

in the sum of One Hundred and Twenty (\$120.00) - - - - - Dollars, to be paid to the said
Sam Sanders

his certain Attorneys, Executors, Administrators or Assigns, for which payment, well and truly to be made, we bind ourselves and our heirs, executors or administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the 2nd day of October
in the year of Our Lord, one thousand, nine hundred and 38.

The Condition of the above Obligation is such, That whereas the above bounden George J. Doody
hath the day of the
date hereof, before the Clerk of the Circuit Court of Mobile County, prayed an Attachment at the
suit of himself against the estate of the above named
Sam Sanders

for the sum of \$60.00 Dollars and hath obtained the same
returnable to the present term of the Circuit Court of Mobile County.

Now, if the said George J. Doody
Shall prosecute his suit for rent and the
Attachment to effect, and pay to the said Sam Sanders

all such damages as the said Sam Sanders may sustain by the wrongful or vexatious
suing out thereof, then the above obligation to be void, otherwise to remain in full force and effect.

IN PRESENCE OF

James H. Doody
Sykes Watkins

Geo. J. Doody (Seal)
Aetna Insurance Company (Seal)
of Hartford, Connecticut
Joseph A. Crane (Seal)
Its Attorney in fact

Filed Oct 3, 1938 192