

STATE OF ALABAMA

BALDWIN COUNTY

TO THE SHERIFF OF SAID COUNTY, GREETINGS:

You are hereby commanded to forthwith serve the within writ, personally on Defendant, Charlie R. Rogillio.

Witness my hand this 9 day of April, 1969.

Alice J. Duck  
Clerk,

RICHTON TIE & TIMBER  
COMPANY, a Corporation,

Plaintiff,

vs.

CHARLIE R. ROGILLIO,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 3948

TO: CHARLIE R. ROGILLIO

You will take notice that the Plaintiff in the above entitled cause has filed a petition in the Circuit Court of Baldwin County, Alabama, to revive a judgment rendered on the 28th day of October, 1959, against you, in said Court in cause No. 3948, for the sum of \$960.00 and costs of suit.

NOW, THEREFORE, you are hereby notified to show cause, if any you have, why said judgment should not be revived against you within 30 days after the date of service hereof.

Witness my hand this the 9 day of April, 1969.

Alice J. Duck  
Clerk

RICHTON TIE & TIMBER  
COMPANY, a Corporation,

Plaintiff,

vs.

CHARLIE R. ROGILLIO,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 3948

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF SAID COURT:

Now comes the Plaintiff in the above styled cause and shows unto the Court as follows:

That the Plaintiff owns a Judgment obtained in the Court on the 28th day of October, 1959, for the sum of NINE HUNDRED SIXTY DOLLARS (\$960.00), against the above named Charlie R. Rogillio, Defendant; that said judgment remains unpaid and unsatisfied. That ten years will have elapsed within the near future since the rendition of said judgment, original execution having been issued on the 9th day of December, 1959, and returned "No property found"; that after an alias execution was issued by the Clerk of this Court on the 30th day of August, 1963, which was subsequently returned endorsed by the Sheriff, "No property found".

WHEREFORE, Plaintiff prays that a writ of scire facias issue out of this Court requiring the Defendant to show cause, if any, within 30 days after service of such writ, why said judgment should not be in all things revived and execution issued on the same, and that upon the hearing of this Petition, if no legal reason be shown why said judgment should not be revived, an order reviving the same be entered with provisions for execution.

WILTERS & BRANTLEY

**FILED**

APR 9 1969

**ALICE J. DUCK** CLERK  
REGISTER

BY:

*Larry J. Wilters, Jr.*  
Attorneys for Plaintiff

Received 9 day of April 1969  
and on 19 day of April 1969  
I served a copy of the within Petition  
on Charlie R. Rogillio

By service on \_\_\_\_\_  
TAYLOR WILKINS, Sheriff  
By H. L. Brown

52 miles R. T.  
Rosinton, Ala

Sheriff claims 52 miles at  
Ten Cents per mile Total \$5.20  
TAYLOR WILKINS, Sheriff  
BY Brown  
DEPUTY SHERIFF

Rosinton

W. E. Ely

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 3948

RIGHTON TIE & TIMBER  
COMPANY, a Corporation,

Plaintiff,

vs.

CHARLIE R. ROGILLIO,  
Defendant.

WILTERS & BRANTLEY  
Attorneys at Law  
Bay Minette, Alabama

FILED

APR 9 1969

ALICE J. DUCK  
CLERK  
REGISTER

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon CHARLIE R. ROGILLIO to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of RICHTON TIE & TIMBER COMPANY, a corporation.

WITNESS my hand this 20 day of August, 1959.

Alice J. Duck  
Clerk

Ex-9-23-59

RICHTON TIE & TIMBER  
COMPANY, A Corporation,  
PLAINTIFF

VS

CHARLIE R. ROGILLIO  
(Sexton)  
DEFENDANT

)  
) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA,  
)  
) AT LAW  
)  
)  
)

1.

The Plaintiff claims of the Defendant SIX HUNDRED (\$600.00) DOLLARS due by promissory note made by him on the 8th day of June, 1957, and payable at the rate of 8% interest per annum in the following manner: \$25.00 on the 14th day of June, 1957, and a like sum of \$25.00 on Friday of each and every succeeding week thereafter until the entire principal and interest are fully paid, except that the last installment may vary in amount. Further that the Defendant agreed to pay a reasonable fee for the attorney for the collection thereof, which the Plaintiff further claims in the sum of \$90.00, together with the interest on both amounts.

2.

The Plaintiff claims of the Defendant TWO HUNDRED TWO and 90/100 (\$202.90) DOLLARS due from him by account on to-wit, the 10th day of August, 1957, which sum of money with the interest thereon is still unpaid.

Wilters & Brantley

FILED

AUG. 20 1959

ALICE J. DUCK, Clerk

BY:

Wilters & Brantley  
Attorneys for the Plaintiff

*Page 2*

*3945*

Received 20 day of Aug 1957  
and on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
served a copy of the within Bill of Complaint  
on Charlie R. Rogillio  
by service on \_\_\_\_\_  
TAYLOR WILKINS, Sheriff  
By \_\_\_\_\_ D. S.

RIGHTON TIE & TIMBER COMPANY,  
A CORPORATION,

PLAINTIFF

VS

CHARLIE R. ROGILLIO

DEFENDANT

*my Assistant*  
*Lester*

Returned 27 day of Aug 1957  
Not found in my county after diligent search and in-  
quiry.  
Taylor Wilkins, Sheriff  
By [Signature]  
Deputy Sheriff

BILL OF COMPLAINT

Received 14 day of Sept 1957  
and on 14 day of Sept 1957  
served a copy of the within Bill of Complaint  
9-23-1957  
Charlie R. Rogillio  
by service on \_\_\_\_\_

FILED  
AUG 20 1959  
ALICE J. DUCK, Clerk

TAYLOR WILKINS, Sheriff  
By Edleigh Steadman D. S.  
Sheriff claims 52 miles at  
Ten Cents per mile Total \$ 5.20  
TAYLOR WILKINS, Sheriff  
BY [Signature]  
DEPUTY SHERIFF  
Rosulton, Ala

CHARLIE R. ROGILLIO,	X	IN THE CIRCUIT COURT OF
Complainant,	X	BALDWIN COUNTY, ALABAMA
vs.	X	IN EQUITY, CASE NO. 10,526
RIGHTON TIE & TIMBER	X	AT LAW, CASE NO. 3948
COMPANY, A Corporation,	X	
Respondent.	X	

Comes now the Complainant, Cross-Respondent, Richton Tie and Timber Company, a Corporation, and amends its answer to the Petitions filed by the Respondent, Cross-Complainant, Charlie R. Rogillio in the above styled cause to read as follows:

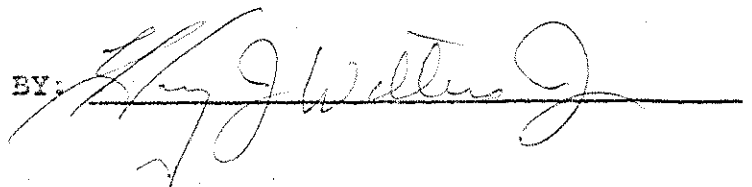
1.

Richton Tie and Timber Company, a Corporation, denies the allegations contained in the Complainant's Petition.

2.

Further that for aught appears by the pleading of Charlie R. Rogillio that he has known since 1963 that a judgment was obtained against him by the Richton Tie and Timber Company, and that he has not been diligent in pursuing his remedies at law or in equity to set aside the judgment, hence he should not be granted relief by having the judgment set aside.

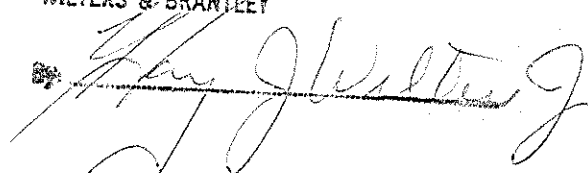
WILTERS & BRANTLEY

BY: 

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 27 day of Oct 1969 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.

WILTERS & BRANTLEY



**FILED**

OCT 27 1969

ALICE J. DUCK CLERK REGISTER

RIGHTON TIE & TIMBER	X	
COMPANY, a corporation	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff	X	
	X	BALDWIN COUNTY, ALABAMA
vs	X	
	X	AT LAW NO. 3948
CHARLIE R. ROGILLIO	X	
	X	
Defendant	X	

Comes Charlie R. Rogillio, defendant in the above styled cause, appearing specially and only and moves this Honorable Court for an arrest of judgment and as grounds for his said motion shows unto this court as follows:

1. That he was never served with the original summons and complaint in cause No. 3948, as required by law.

2. That an examination of the original record in Richton Tie and Timber Company, a corporation vs. Charlie R. Rogillio filed August 20, 1959, and allegedly served on September 23, 1959, did not meet the requirements of Title 7, Section 186 of the Code of Alabama of 1940 as amended and recompiled.

3. That your said defendant removed to Miami, Florida, with his family on to-wit, from March, 1958, and did not return to the State of Alabama and the jurisdiction of this Honorable Court until 1963, and that your defendant not being within the State of Alabama, said alleged service did not comply with the requirements of Title 7, Section 186; hence this motion.

4. And further, comes Charlie R. Rogillio, defendant named in the petition to revive dated April 9, 1969, appearing specially and only for the purpose of showing that said petition to revive was not served on him, as required by Title 7, Section 186 of the Code of Alabama of 1940 as amended and recompiled.

5. And further, comes your said defendant and shows unto this Honorable Court that he has a good defense to the said complaint in that he delivered the said motor vehicle to Richton Tie and Timber Company before leaving the State of Alabama and that the said complaint does not allege a sale of said motor vehicle, as required by law.

And further, that said exhibits were allegedly executed in the State of Mississippi by an alleged Justice of the Peace

LILLIE B. MALONE,  
Ind. and d/b/a  
PRICE FURNITURE CO.

Plaintiff

-VS-

HAROLD W. SULLIVAN

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW.

3984

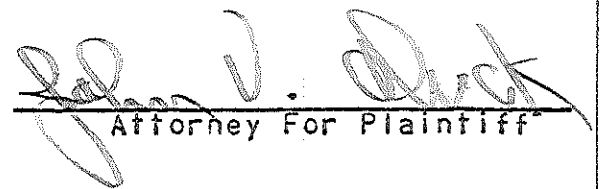
BILL OF COMPLAINT

COUNT ONE:

Plaintiff claims of the Defendant the sum of ONE HUNDRED and THIRTEEN and 78/100 (\$113.78) Dollars, due from him by account from on to wit, the 24th day of December, 1957, until on to wit, the 27th day of January, 1959, which sum of money with the interest thereon, is still unpaid.

COUNT TWO:

Plaintiff claims of the Defendant, the sum of ONE HUNDRED and THIRTEEN and 78/100 (\$113.78) Dollars, for merchandise, goods and chattels sold by the Plaintiff to the Defendant from on to wit, the 24th day of December, 1957, until on to wit, the 27th day of January, 1959, which sum of money with the interest thereon, is still unpaid.

  
Attorney For Plaintiff

Defendant works for  
Fairhope Courier,  
Fairhope, Alabama

FILED

SEP 22 1959

ALICE J. DUCK, CLERK  
REGISTER



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 HAROLD W. SULLIVAN

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 .....

HAROLD W. SULLIVAN ....., Defendant.....

by LILLIE B. MALONE, Ind. and d/b/a PRICE FURNITURE CO. .....

....., Plaintiff.....

Witness my hand this 22 day of Sept 1954

Beige Duck ....., Clerk

No. 3984

Page \_\_\_\_\_

**The State of Alabama**

Baldwin County

**CIRCUIT COURT**

LILLIE B. MALONE, Ind. and

d/b/a PRICE FURNITURE CO.

Plaintiffs

vs.

HAROLD W. SULLIVAN

Defendants

**Summons and Complaint**

Filed

9/22

19 59

Reed J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at  
**WORKS AT FAIRHOPE COURIER**  
**FAIRHOPE, ALABAMA**

Received In Office

9/22 19 59

\_\_\_\_\_, Sheriff

I have executed this summons

this

9/24

19 59

by leaving a copy with

Harold W. Sullivan

Sheriff claims 90 miles at

Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

BY

Edw. Stidham  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Edw. Stidham Deputy Sheriff

LILLIE B. MALONE,  
Ind. and d/b/a  
PRICE FURNITURE CO.,  
Plaintiff,  
- VS -  
HAROLD W. SULLIVAN,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW.

P L E A S

Comes the Defendant in the above style cause and offers the following separate and several pleas to the Plaintiff's complaint, and to each and every count thereof separately and severally says:

ONE


The Defendant, for answer to the complaint, saith that he is not guilty of the matters alleged therein.

TWO

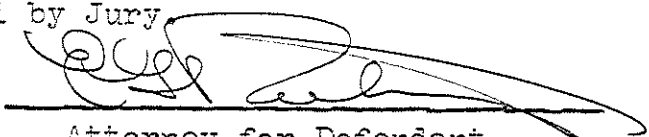
The Defendant for answer to the complaint, saith that he has paid the debt (or demand), for the recovery of which this suit was brought, before the action was commenced.

THREE

The Defendant, for answer to Plaintiff's complaint, says that the allegations therein are untrue.

  
Attorney for Defendant.

The defendant hereby demands a trial by Jury.

  
Attorney for Defendant.

LILLIE B. MALONE, Ind.  
and d/b/a PRICE FURNITURE  
CO.,

Plaintiff,

- VS -

HAROLD W. SULLIVAN,

Defendant.

P L E A S

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW.

LILLIE B. MALONE,  
Ind. and d/b/a  
PRICE FURNITURE CO.,

Plaintiff,

- VS -

HAROLD W. SULLIVAN,

Defendant.

I  
I  
I  
I  
I  
I  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW.

P L E A S

Comes the Defendant in the above style cause and offers the following separate and several pleas to the Plaintiff's complaint, and to each and every count thereof separately and severally says:

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TWO

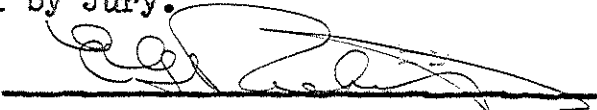
The Defendant for answer to the complaint, saith that he has paid the debt (or demand), for the recovery of which this suit was brought, before the action was commenced.

THREE

The Defendant, for answer to Plaintiff's complaint, says that the allegations therein are untrue.

  
Attorney for Defendant.

The defendant hereby demands a trial by Jury.

  
Attorney for Defendant.

3984

LILLIE B. MALONE, Ind.  
and d/b/a PRICE FURNITURE  
CO.,

Plaintiff,

- VS -

HAROLD W. SULLIVAN,

Defendant.

P L E A S

FILED

OCT 14 1950

ALICE J. DUCK, CLERK  
REGISTER

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW.

LAW OFFICES  
**E. G. RICKARBY**  
392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA

October 12, 1959

Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Lillie B. Malone, Ind.,  
d/b/a Price Furniture Co.  
Vs: Harold W. Sullivan  
Our File: 4892

Enclosed find Pleas in the above mentioned cause.

Please file, and oblige.

Yours very truly,



EGE/ts

Encl.

cc: John Duck, Esquire  
Fairhope, Alabama.

cc: Mr. Harold Sullivan

RECEIVED  
OCT 10 1959  
CIVIL SERVICE

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OCT 10 1959

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FILED

OCT 10 1959

ALICE J. DUCK, CLERK  
REGISTER



holding office in the State of Alabama, hence same are not legal evidence in said cause.

6. And further, that your said defendant had no knowledge of the action complained of until after his return from Miami, Florida, and therefore, was unable to offer any defense or action to protect himself during the several years noted.

Charlie R. Rogillio  
Charlie R. Rogillio

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Charlie R. Rogillio, who is known to me and who being duly sworn, deposes and says that the facts in the foregoing motion are true and correct.

LeDon Thompson  
Notary Public, Baldwin County, Alabama

FILED

MAY 9 1969

ALICE J. DUCK CLERK  
REGISTER