

DUNCAN TURNBULL, § IN THE CIRCUIT COURT OF BALDWIN
 § COUNTY, ALABAMA.
Plaintiff, §
Vs. § AT LAW
W. G. O'BRIEN, JR. §
 § CASE NO. 4672
Defendant. §

Comes now Thomas M. Marr, Attorney , and appears for W. G.
O'Brien, Jr., in the above entitled cause and reserves the right to demur
or plead specially.

MARR & FRIEDLANDER, ATTORNEYS

BY: Thomas M. Marr
THOMAS M. MARR

The Defendant, W. G. O'Brien, demands a trial by jury.

MARR & FRIEDLANDER, ATTORNEYS

BY: Thomas M. Marr
THOMAS M. MARR

FILED
JUL 14 1961
ALICE J. DUCK, CLERK
REGISTER

DUNCAN TURNBULL,

Plaintiff,

Vs.

W. G. O'BRIEN, JR.

Defendant.

I IN THE CIRCUIT COURT OF BALDWIN

I COUNTY, ALABAMA

I AT LAW

I

I CASE NO.

SUGGESTION IN BANKRUPTCY

Comes the Defendant in the above styled cause and respectfully shows unto the Court that on the 21st day of August, 1961 he filed his petition under the provisions of the Bankruptcy Acts of Congress relating to bankruptcy, case 14770 in the U. S. District Court for the Southern Division of the Southern District of Alabama at Mobile and was duly adjudged a bankrupt, which bankruptcy proceeding is still pending.

That the Plaintiff in the above styled cause and the amount claimed was duly scheduled as a creditor of Defendant in said bankruptcy proceeding, and such claim is of such a nature as to be dischargeable in said Bankrupt proceedings.

WHEREFORE, Defendant prays, that this cause be stayed pending the said bankruptcy proceedings.

MARR & FRIEDLANDER

by Thomas M. Marr
Thomas M. Marr
Attorneys for Defendant


FILED
SEP 20 1961
ALICE J. DUCK, CLERK
REGISTER

DUNCAN TURNBULL,	*	IN THE CIRCUIT COURT
Plaintiff	*	OF BALDWIN COUNTY,
Vs.	*	ALABAMA
W. G. O'BRIEN, JR.	*	AT LAW
Defendant	*	CASE NO. 4672

PLEA IN BAR

Comes now W. G. O'Brien, Jr., Defendant in the above styled cause by and through Thomas M. Marr, one of his attorneys, and offers this Plea in Bar to each and every count of the complaint in the above styled cause, which relates to and claims money due under a promissory note, which said money demand is a provable and dischargeable claim in Bankruptcy, for that heretofore, on, to-wit, the 21st day of August, 1961, W. G. O'Brien, Jr. was adjudicated a Bankrupt in the United States District Court of the Southern District of Alabama; that the Plaintiff was listed as a creditor in the schedules of the said W. G. O'Brien, Jr., Bankrupt, as to this debt and received notice from the Referee in Bankruptcy that the said Defendant, W. G. O'Brien, Jr. was discharged from all provable claims including this debt, against him. A certified copy of the Discharge in Bankruptcy of the said W. G. O'Brien is hereto attached and made a part hereof as if fully set out herein, and marked for identification "Exhibit A".

WHEREFORE, the Defendant in this cause pleads that he has been discharged from this debt by his said Discharge in Bankruptcy.


Thomas M. Marr, Attorney for Defendant

STATE OF ALABAMA)

COUNTY OF MOBILE)

I, Thomas M. Marr, Attorney for the Defendant, hereby certify that I have served a copy of the foregoing Plea in Bar on E. M. Bailey, Attorney for the Plaintiff, by mailing a copy of the same, postage prepaid, to his office in Fairhope, Alabama, on this the 4 day of Sept, 1962.


Thomas M. Marr

"Exhibit A"

United States District Court

FOR THE

SOUTHERN DISTRICT OF ALABAMA

IN THE MATTER OF

WILLIAM GERALD O'BRIEN, JR.,

Bankrupt.

IN BANKRUPTCY

NO. 14,770

DISCHARGE OF BANKRUPT

At Mobile, in said District, on the 12th day of March, 1962.

It appearing that William Gerald O'Brien, Jr., of

Mobile, in the County of Mobile,

State of Alabama, was duly adjudged a bankrupt on a petition filed by ~~himself~~ him on the 21st day of August, 1961; and

It further appearing that, after due notice by mail, no objection to the discharge of said bankrupt was filed within the time fixed by the court;

IT IS ORDERED that the said William Gerald O'Brien, Jr.

be, and he hereby is, discharged from all debts and claims which, by the Act of Congress relating to Bankruptcy, are made provable against his estate, except such debts as are, by said Act, excepted from the operation of a discharge in bankruptcy.

Liberty B. Gray
Referee in Bankruptcy.

FPI ERO-8-21-61-200M-8909

A TRUE COPY:

ATTEST:

WILLIAM J. O'CONNOR, CLERK,

By *William J. O'Connor*
Deputy Clerk

STATE OF ALABAMA }
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. G. O'Brien, Jr. to appear and answer, plead or demur, within thirty days from the service of this writ, to a Bill of Complaint filed against him in the Circuit Court, at Law, of Baldwin County, Alabama, by Duncan Turnbull as Plaintiff, against W. G. O'Brien, Jr., as Defendant, and at the same time to make return hereunder.

Witness my hand this the 6 day of April, 1961.

Alice J. Duck
REGISTER

Exp 6-15-61

DUNCAN TURNBULL,
Plaintiff

vs.

W. G. O'BRIEN, JR.,

Defendant

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

) AT LAW
)
)
)

COUNT ONE:

Plaintiff claims of the Defendant the sum of Three Thousand Four Hundred Eight and No/100 (\$3,408.00) Dollars, due by promissory note made by him on, to-wit: August 9, 1960, which sum of money, with interest thereon, is due and unpaid; and Plaintiff avers that in and by the terms of said note, Defendant waived all rights of exemption under the laws of the State of Alabama, and the Plaintiff claims the benefit of waiver; Plaintiff claims of the Defendant the additional sum of Five Hundred Fifty and No/100 (\$550.00) Dollars as attorney fees for bringing this suit for that the Defendant in and by the terms of said note agreed to pay a reasonable attorney's fee for the bringing and prosecuting of this suit.

James M. Bailey
SOLICITOR FOR PLAINTIFF

Defendant may be served at:

Trader George, Causeway

FILED
APR 6 1961
ALICE J. DUCK, Clerk

281 467.2 25/14

SUMMONS AND COMPLAINT

DUNCAN TURNBULL,
Plaintiff
vs.
W. G. O'BRIEN, JR.,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED
APR 6 1961
ALICE J. DUCK, Clerk

Serve
Trade Cases
Mobile Consumer

RECEIVED

MAY 27 1961

SHERIFF'S OFFICE

Received 1 day of April 1961
and on 18 day of June 1961
I served a copy of the within etc
on W. G. O'Brien, Jr.

By service on W. G. O'Brien, Jr.
Royce Brubaker
TAYLOR WILKINS, Sheriff
By R. R. Rayne D. S.

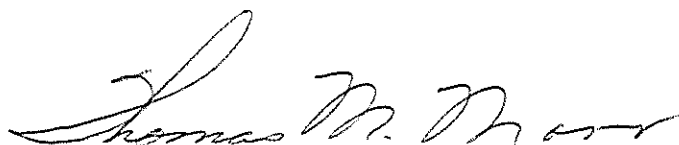
By W. A. Kinn
Taylor Wilkins, Sheriff
Deputy Sheriff

turned in my county after diligent search and in-
19 day of April 1961

DUNCAN TURNBULL,	*	IN THE CIRCUIT COURT
Plaintiff	*	OF BALDWIN COUNTY,
Vs.	*	ALABAMA
W. G. O'BRIEN, JR.	*	AT LAW
Defendant.	*	CASE NO., <u>4672</u>

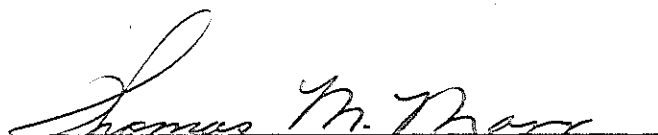
Comes now the Defendant in the above styled cause and shows unto this Honorable Court that the debt evidenced by the note sued on in this cause has been discharged in the United States District Court for the Southern District of Alabama on Petition for Bankruptcy by Defendant herein, William Gerald O'Brien, Jr., Case No. 14, 770 in said court and attached hereto and made a part hereof as if herein set out is a certified copy of the discharge of Bankrupt executed by the Honorable Sidney J. Gray, dated the 20th day of March, 1962.

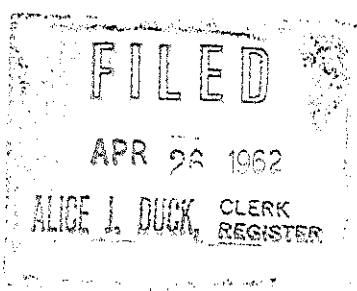
WHEREFORE, Defendant moves that this cause be dismissed or permanently stayed.


 Thomas M. Marr, Attorney for Defendant

STATE OF ALABAMA)
 COUNTY OF MOBILE)

I, Thomas M. Marr, Attorney for the Defendant, hereby certify that I have served a copy of the foregoing on E. M. Bailey, Attorney for the Plaintiff, by mailing a copy of the same, postage prepaid, to his office at 221 Fairhope, Avenue, Fairhope, Alabama, on this the 23rd day of April, 1962.


 Thomas M. Marr



IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA

I, Sidney J. Gray a Referee in Bankruptcy

in and for said District, DO HEREBY CERTIFY that the attached copy of _____
DISCHARGE OF BANKRUPT

in the case of WILLIAM GERALD O'BRIEN, JR.,

bankrupt ~~(debtor)~~, No. 14,770, has been compared with the original thereof and that
it is a complete and correct copy of such original as it appears of record and on file in my office.

IN TESTIMONY WHEREOF I have hereunto set my hand at Mobile
in said District, this 20th day of March, 19 62.

3

Sidney J. Gray
Referee in Bankruptcy.