

DAVID B. JAYE,

Plaintiff,

VS.

SECURITIES INVESTMENT
COMPANY, A Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. ~~1704~~

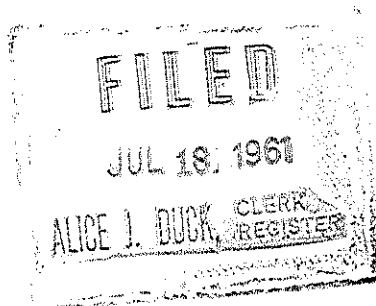
4704

DEMURRER TO AMENDED PLEA IN ABATEMENT

Comes the plaintiff in the above styled cause and demurs to defendant's Amended Plea in Abatement, heretofore filed in said cause, and, for grounds of demurrer, assigns, separately and severally, the following:

1. That it is not shown by said plea in abatement that the act complained of in plaintiff's complaint did not occur in Baldwin County, Alabama;
2. That said plea in abatement is inappropriate to the action;
3. That the action of the plaintiff in this cause is not founded on contract;
4. That Trespass is not of the class of actions which must necessarily be brought within the County in which the defendant is doing business.

Julius A. Madlbaum
ATTORNEY FOR PLAINTIFF



DAVID B. JAYE,

Plaintiff,

vs.

SECURITIES INVESTMENT
COMPANY, A Corporation,

Defendant.

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4704

AMENDED PLEA IN ABATEMENT

Comes now Securities Investment Company, a Delaware Corporation, and appearing specially for the sole and limited purpose of filing this plea in abatement, shows unto the Court the following in abatement of the Plaintiff's complaint heretofore filed in the above entitled cause and of each count thereof, separately and severally:

ONE:

The said Securities Investment is a corporation organized and existing under the laws of the State of Delaware and is not now, and was not on the 18th day of May, 1961, doing business by agent, or otherwise, in Baldwin County, in the State of Alabama. That Securities Investment Company was on said date authorized to do business in the State of Alabama and did, on that date, and does now, have a resident agent upon whom service of process can be had in Mobile, Alabama.

WHEREFORE, the said Securities Investment Company, a Delaware Corporation, moves the Court to abate the above styled action and to dismiss the complaint and each count thereof heretofore filed therein.

WILKINS, STEPHENSON & BYRD

and

CHASON & STONE

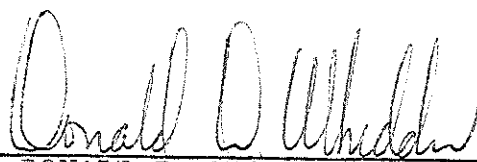
FILED
JUL 13 1961
ALICE J. DUCK, Clerk

By: 
Attorneys for Defendant

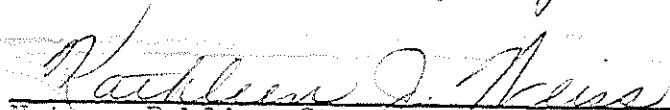
STATE OF ALABAMA

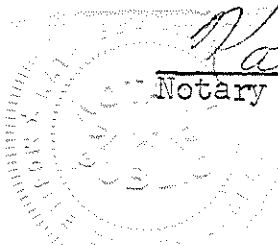
COUNTY OF MOBILE

Personally appeared before me, the undersigned authority, a Notary Public in and for said County in said State, Donald D. Whiddon, who, being known to me and being by me first duly sworn, deposes and says that he is Branch Manager of Securities Investment Company, a Delaware Corporation; that he is duly authorized to make this affidavit; and that the facts therein stated are true and correct.


DONALD D. WHIDDON

Sworn to and subscribed before me on
this the 10 day of July, 1961


Notary Public, State of Alabama, at Large
MOBILE COUNTY


FILED
JUL 13 1961
ALICE J. DUCKY, CLERK

DAVID B. JAYE,

Plaintiff,

VS.

SECURITIES INVESTMENT COMPANY,
A Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 4704

DEMURRER TO PLEA IN ABATEMENT

Comes the plaintiff in the above styled cause and demurs to defendant's plea in abatement, heretofore filed in said cause, and, for grounds of demurrer, assigns, separately and severally, the following:

1. That it is not shown by said plea in abatement that the act complained of did not occur in Baldwin County, Alabama;

2. That the action of the plaintiff in this cause is not founded on contract;

3. That said plea in abatement is inappropriate to the action;

4. That Trespass is not of the class of actions which must necessarily be brought within the County in which the defendant is doing business;

5. That said plea in abatement fails to set out and aver in what County it is doing business and may be sued.

Jeffrey H. Maddis
ATTORNEY FOR PLAINTIFF

At Law
No. 4704

Jay
W.
Securities Investment
Company.

FILED

JUN 8 1961

ALICE J. DUCK, CLERK
REGISTER

DAVID D. JAYE,
Plaintiff,

-Vs-

SECURITIES INVESTMENT COMPANY,
a Corporation,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,

ALABAMA

AT LAW

No. 4704

PLEA IN ABATEMENT

Comes now Securities Investment Company of Saint Louis, a Delaware Corporation, and appearing specially for the sole and limited purpose of filing this plea in abatement, shows unto the Court the following in abatement of the Plaintiff's complaint heretofore filed in the above entitled cause and of each count thereof, separately and severally:

ONE

The said Securities Investment Company of Saint Louis is a corporation organized and existing under the laws of the State of Delaware and is not now, and was not on the 7th day of March, 1961, doing business by agent, or otherwise, in Baldwin County, in the State of Alabama.

Wherefore, the said Securities Investment Company of Saint Louis, a Delaware Corporation, moves the Court to abate the above styled action and to dismiss the complaint and each count thereof heretofore filled therein.

WILKINS, STEPHENSON & BYRD

By:

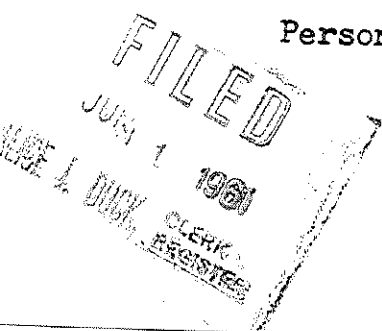
Robert L. Byrd, Jr.
ROBERT L. BYRD, JR.

Attorneys for Defendant
1213 Merchants Bank Building
Mobile, Alabama

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, the undersigned authority, a Notary

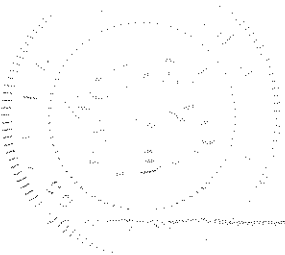


Public in and for said County in said State, C. L. Rayburn, who, being known to me and being by me first duly sworn, deposes and says that he is Branch Manager of Securities Investment Company, a Delaware Corporation; that he is duly authorized to make this affidavit; and that the facts therein stated are true and correct.

C. L. Rayburn
C. L. RAYBURN

Sworn to and subscribed before me
this 3rd day of May, 1961.

Elizabeth B. Branson
NOTARY PUBLIC, STATE OF ALABAMA, AT LARGE
Mobile County, Ala.



SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4704

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

Securities Investment Company, A Corporation

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

Securities Investment Company, A Corporation

, Defendant.

by David D. Jaye

, Plaintiff.

Witness my hand this 18th day of May 19 61

Clerk

DAVID D. JAYE,

Plaintiff,

VS.

SECURITIES INVESTMENT COMPANY,
A Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. _____

COUNT ONE

The Plaintiff claims of the Defendant TEN THOUSAND AND NO/100ths (\$10,000.00) DOLLARS, damages for wrongfully taking the following goods and chattels, the property of the plaintiff, viz: One 1958 Oldsmobile 88, Fordor Sedan, Motor Number 5870A6646.

COUNT TWO

The plaintiff claims of the defendant TEN THOUSAND AND NO/100ths (\$10,000.00) DOLLARS, damages for the conversion by it, on, to-wit: the 7th day of March, 1961, of the following goods and chattels, viz: One 1958 Oldsmobile 88 Fordor Sedan, Motor Number 5870A6646, the property of the plaintiff. C

COUNT THREE

The plaintiff claims of the defendant the following personal property, viz: One 1958 Oldsmobile 88, Fordor Sedan, Motor Number 5870A6646, with the value of the hire or use thereof during the detention, viz: from the 7th day of March, 1961.

J. Clair H. Madhubera
ATTORNEY FOR PLAINTIFF.

Plaintiff demands a trial by jury.

J. Clair H. Madhubera
ATTORNEY FOR PLAINTIFF.

FILED
MAY 18 1961
ALICE J. DUCK, CLERK
REGISTER

2704
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NO. 4704

DAVID D. JAYE,
Plaintiff,

VS
P/Bm
SECURITIES INVESTMENT
COMPANY, A Corporation,
Bob Williamson
unit mgr Defendant.

Complaint.

FILED
MAY 18 1961
ALICE J. DUCK, CLERK
REGISTER

Defendant's address:
7 North Broad Street
Mobile, Alabama

TELFAIR J. MASHBURN
ATTORNEY AT LAW
DAHLBERG BUILDING
BAY MINETTE, ALABAMA

Received 14 Day of May 1961
and on 23 Day of May 1961
I served a copy of the within summons and complaint
on Securities Investment
Company & Carl P. J.
by service of Bob Williamson
unit mgr
RAY D. BRIDGES, CLERK
By A. B. Smith

WILKINS, STEPHENSON & BYRD
ATTORNEYS AT LAW
1213 MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

ROBERT B. WILKINS
SAMUEL R. STEPHENSON
ROBERT L. BYRD, JR.

May 29th, 1961

HEMLOCK B-2478

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

Re: David D. Jaye vs. Securities Investment Co.
Case No. 4704

Dear Mrs. Duck:

Please find enclosed herewith a plea in abatement to be
filed in referenced cause. Please acknowledge receipt of this
plea at your earliest convenience.

Yours very truly,

WILKINS, STEPHENSON & BYRD

Robert L. Byrd, Jr.
ROBERT L. BYRD, JR.

RLBjr/ebb
Encl.

Plea in Abatement
FILED

JUN 1 1961

ALICE J. DUCK, CLERK
REGISTER

Alice J. Duck
Reg